



City of Bloomington Common Council

Legislative Packet

Special Session
27-29 November 2006

Office of the Common Council
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Bloomington, Indiana 47402

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To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: November 21, 2006

Packet Related Material

Memo Agenda for Special Session Calendar

Notices and Agendas:

Council Sidewalk Committee on Wednesday, November 29, 2006 in the Council Library at 401 North Morton

Legislation and Background Material for Consideration of the Unified Development Ordinance (UDO):

Motion Regarding Council Deliberation of the UDO

Manner of Deliberations – *Note: Revised Since Last Distributed to the Council on November 9th*

Schedule for Deliberations – *Note: Revised Since Last Distributed to the Council on November 9th*

Summary of UDO as Presented by Plan Staff to the Plan Commission

*Note: This Summary Includes * Certain Approved and Defeated Amendments after each Chapter.*

* *Those Amendments include all defeated ones and only those adopted ones where the vote was not unanimous.*

Ordinance and Attachments

Ord 06-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, “Zoning”, Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled “Subdivisions”

Certification

Appendix A - Draft F (Released September 1, 2006)

Appendix B - Zoning Maps (Including Maps of Each Quadrant of the City’s Planning Jurisdiction as Well as the Downtown Overlays)

Appendix C - Plan Commission Amendments with Summary Sheet

Appendix D - Common Council Amendments (Expected to be Released in
Two Packets – Dated December 1, 2006 and December 6, 2006)
Appendix E - Special Findings of Facts Regarding Sexually Oriented
Businesses

Defeated Amendments

Summary Sheet
Amendments

Integrated UDO – Including Plan Commission Amendments

Forthcoming

Memo

**Special Session for Informal Introduction to the Unified Development
Ordinance Runs from
Monday, November, 27th Through Wednesday, November 29th**

This packet includes the first round of materials regarding **Ord 06-24** which is otherwise known as the Unified Development Ordinance. It is intended to give you information in preparation for an informal introduction to the UDO that will be held at 6:00 p.m. on Monday, Tuesday, and Wednesday night of next week. The following paragraphs briefly mention those materials and highlight some issues in regard to them:

Motion Regarding Council Deliberation of the UDO – *Please note the Motion and Schedule have been revised and will require another vote Monday night. Please also note that I am recommending that you periodically announce the Schedule up until and including your Regular Session on December 6th. Please also note that the Schedule now includes the statutorily required hearing to consider written objections to the UDO which will be held at 6:00 p.m. on Monday, December 11th.*

Summary of UDO as Presented by Plan Staff to the Plan Commission – *In lieu of any formal memo from the Plan Department, the Council Office has taken the PowerPoint presentations made by staff to the Plan Commission during September and October and inserted the synopsis of certain amendments at the end of each chapter summary. These amendments include only those adopted amendments where the vote was non-unanimous and all defeated ones.*

Ordinance 06-24 (UDO) and Certification – *This ordinance was certified to the Council on November 17th and must be given final action by the Council within 90 days or the recommendation of the Plan Commission would go into effect. Formal introduction of the UDO is scheduled for Monday, December 4th prior to preliminary consideration of amendments.*

Appendixes

Appendix A – September Version of the UDO - *Refers to the UDO as it was distributed on September 1st. Council members have received copies of this document and it is not included in this packet, but is available in the Council Office, the Plan Department (in the office and online), and the Monroe County Public Library.*

Appendix B – Zoning Maps – *Copies of the maps are included here.*

Appendix C – Amendments Adopted by the Plan Commission – *a summary sheet and the actual amendments are included here.*

Appendix D – Amendments by the Common Council – *This is a placeholder sheet that will include any amendments you may adopt. These amendments and a statement of reasons for them would need to be returned to the Plan Commission for them to act upon within 45 days. The ordinance would then go into effect in the latest of the following circumstances: the filing of Plan Commission approval with the Council; the end of the 45-day period in the absence of Plan Commission action; or, a subsequent vote of approval by the Council within 45-days of a report of denial filed by the Plan Commission with the Council.*

Appendix E – Special Findings of Facts Regarding Sexually Oriented Businesses – *The Plan Commission adopted special findings of facts regarding sexually oriented businesses in order to justify the regulations it adopted in regard to them.*

Defeated Amendments – *This includes a summary sheet along with the actual amendments.*

Integrated UDO – *The Plan Department has prepared a word version of the UDO to help with your deliberations and amendments. We have received it and intend to review and distribute it by Monday night.*

**NOTICE AND AGENDA FOR
COMMON COUNCIL
SPECIAL SESSION
INFORMAL INTRODUCTION TO
ORDINANCE 06-24: THE UNIFIED DEVELOPMENT ORDINANCE (UDO)
MONDAY, NOVEMBER 27, 2006 -- WEDNESDAY, NOVEMBER 29, 2006
6:00 P.M.
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

MONDAY, NOVEMBER 27, 2006

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. ANNOUNCEMENT OF SCHEDULE**
- IV. CHAPTERS 1-4**
 - Chapter 20.01 Basic Provisions
 - Chapter 20.02: Zoning Districts
 - Chapter 20.03: Overlay Districts
 - Chapter 20.04: Planned Unit Development Districts
- V. RECESS**

TUESDAY, NOVEMBER 28, 2006

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. CHAPTERS 5-7**
 - Chapter 20.05 Development Standards
 - Chapter 20.06 Subdivision Regulations
 - Chapter 20.07 Design Standards
- IV. RECESS**

WEDNESDAY, NOVEMBER 29, 2006

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. CHAPTERS 8-12 & ZONING MAPS**
 - Chapter 20.08 (Empty)
 - Chapter 20.09 Nonconforming Lots, Sites, Structures & Uses
 - Chapter 20.10 Processes, Permits, and Fees
 - Chapter 20.11 Enforcement and Penalties
 - Chapter 20.12 Definitions
 - Zoning Maps
- IV. ANNOUNCEMENT OF SCHEDULE**
- V. ADJOURNMENT**

City of
Bloomington
Indiana

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To: Council Members
From: Council Office
Re: Calendar for the Week of November 27-
December 1, 2006
Date: November 22, 2006

Monday, November 27, 2006

11:00 am Emergency Shelter Group, McCloskey
5:00 pm Utilities Service Board, IU Research Park 501 N. Morton Street 100B
5:30 pm Bloomington Human Rights Commission, McCloskey
6:00 pm Common Council Special Session, Introduction of the Unified Development Ordinance (UDO),
Council Chambers

Tuesday, November 28, 2006

5:30 pm Bloomington Public Transportation Corporation, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
6:00 pm Common Council Special Session, Introduction of the Unified Development Ordinance (UDO),
Council Chambers

Wednesday, November 29, 2006

12:00 pm Common Council Sidewalk Committee, Council Library
6:00 pm Common Council Special Session, Introduction of the Unified Development Ordinance (UDO),
Council Chambers

Thursday, November 30, 2006

6:00 pm Democratic Caucus to appoint a new Councilmember to the At-Large seat
vacated by Monroe County Prosecutor-elect Chris Gaal, Council Chambers

Friday, December 1, 2006

11:30 am Council for Community Accessibility, Arts Access Committee, Hooker Room
3:30 pm Housing Trust Fund, McCloskey



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Sidewalk Committee

Change in Meeting Site

**Please note that the Sidewalk Committee will meet on
Wednesday, 29 November at Noon in
the Council Library (Suite 110), City Hall**

The purpose of this meeting is to discuss 2007 sidewalk projects. Because a quorum of the Council may be present, this meeting may constitute a meeting of both the Council and the Committee under the Indiana Open Door Law. This statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Thursday, 17 November 2006

Revised Procedure for Common Council Consideration of Ord 06-24 Otherwise Known as the Unified Development Ordinance (UDO)

The Common Council adopted a procedure and schedule for consideration, amendment and adoption of the proposed Ord 06-24, otherwise known as the Unified Development Ordinance (UDO), on November 8, 2006. It now wishes to revise that procedure in the manner appearing below and to revise the schedule as shown on the attached Schedule:

1. Each chapter will be discussed in order and in accordance with the proposed hearing schedule, subject to revision as necessary.
2. The order of business for each chapter will be as follows: staff presentation; Common Council questions; public input with a limit of no more than one 5-minute comment limited to one 5- minute statement per speaker; and, Common Council comments and discussion.
3. Members of the public may raise potential amendments during the public comment portion of the public meetings and also by direct contact with Council members outside of the public meetings. However, only Council members may sponsor and initiate an amendment.
4. Council members will submit amendments to the Council staff as soon as feasible. Proposed: proposed amendments addressing the first four chapters of the UDO are due at noon on Tuesday, November 28, 2006. Proposed and proposed amendments addressing all subsequent chapters and the incorporated zoning maps are due by noon on Friday, December 1, 2006.* The public is, therefore, advised to communicate with Council members to accommodate this schedule, but will have an opportunity to file written objections to the UDO with the City Clerk, County Auditor and Common Council, which will be heard at a hearing scheduled for 6:00 p.m. on Monday, December 11, 2006.
5. Proposed amendments will be considered as they appear in the Amendment Packets issued by the Council Office. Amendments will be heard over a course of hearings listed on the Council's UDO schedule. After the Council has voted on all Amendments, it will vote on the entire UDO as amended.
6. This procedure will be followed unless revised by action of the Common Council.

** When passing the motion on November 8, 2006, the Council agreed that amendments on the entire document may be submitted by either deadline, but were encouraged by staff to submit the more significant amendments by the earlier deadline such that those amendments might be considered earlier in the deliberations. The Council also acknowledged that it could create new deadlines to accommodate unforeseen amendments.*

**Revised Notice and Schedule for Common Council Consideration of
Ordinance 06-24 Otherwise Known as the
Unified Development Ordinance (UDO) which Amends the Bloomington
Municipal Code by Combining and Replacing Title 20 (Zoning and Zoning
Maps) and Title 19 (Subdivisions)**

Meetings will be held in the Council Chambers and Begin at * 6:00 p.m.

Informal Introduction to the Unified Development Ordinance

Monday, November 27, 2006

Announcement of Schedule

Chapter 20.01 Basic Provisions

Chapter 20.02: Zoning Districts

Chapter 20.03: Overlay Districts

Chapter 20.04: Planned Unit Development Districts

Tuesday, November 28, 2006

Noon - Deadline for Amendments Focusing on Chapters 1 – 4

(Note: Amendments on Remainder of the Materials are Encouraged)

Chapter 20.05 Development Standards

Chapter 20.06 Subdivision Regulations

Chapter 20.07 Design Standards

Wednesday, November 29, 2006

Announcement of Schedule

Chapter 20.08 (Empty)

Chapter 20.09 Nonconforming Lots, Sites, Structures & Uses

Chapter 20.10 Processes, Permits, and Fees

Chapter 20.11 Enforcement and Penalties

Chapter 20.12 Definitions

Zoning Maps

Friday, December 1, 2006

Noon - Deadline for Amendments Focusing on Chapters 5 – 12 and the Zoning Maps (Note: Amendments on Chapters 1 - 4 Will Still be Accepted.)

Preliminary Consideration of Amendments to the Unified Development Ordinance

Formal Motion to Consider Ordinance 06-24

Monday, December 4, 2006

Thursday, December 7, 2006

Wednesday, December 6, 2007

7:30 p.m. – Common Council will announce the schedule for consideration of the UDO during its Regular Session on this date (but not take other action on it at that time).

Hearing on Written Objections to UDO Pursuant to I.C. 36-7-4-606(c)(3)

Monday, December 11, 2006 *Note: The deadline for amendments may be extended to provide opportunity to convert written objections into amendments.)*

Preliminary Consideration of Amendments to the Unified Development Ordinance - Continued

Monday, December 11, 2006 *(After the aforementioned hearing)*

Wednesday, December 13, 2006 *(If necessary)*

Final Adoption

Thursday, December 14, 2006

*Notes: * The Common Council will announce the schedule for consideration of the UDO at its Regular Session on Wednesday, December 6, 2006. That meeting begins at 7:30 p.m.*

*** This consideration of the UDO may be continued from time to time as may be found necessary by the Council.*

Posted and Distributed on: Tuesday, November 21, 2006

Title 20, Unified Development Ordinance

A replacement zoning and subdivision ordinance

Summary

As outlined in the Powerpoint presentations made by the Planning Department to the Plan Commission in September & October 2006.

[* **Please note:** any amendment that was passed by the Plan Commission non-unanimously and any amendment that was rejected or withdrawn is noted at the end of each Chapter summary.]

Chapter 1: Ordinance Foundation & Chapter 2: Zoning Districts

20.01: Basic Provisions

- Ordinance Purpose Statements
- Rules of Interpretation

20.01: Transition Rules

- Previous planning approvals
- Pending planning applications

20.01: Zoning Districts

- Outline of base Zoning Districts
- Outline of Overlay Zoning Districts
- Establishment of Planned Unit Developments

20.01: Official Zoning Map

- Incorporation of Official Zoning Map
- Interpretation of Zoning District Boundaries

20.01: Powers & Duties

- Council
- Plan Commission
- Board of Zoning Appeals
- Planning Department Staff

20.01: Planning Documents

- Incorporation of related Planning Documents
 - Growth Policies Plan
 - Subarea Plans
 - Thoroughfare Plan

20.02: Zoning Districts

- Zoning District Two-Page Layouts
 - District Intent
 - Permitted/Conditional Uses
 - Development Standards
 - Additional Standards Index
 - Illustrative Graphics
 -

- Reduced from 20 to 15 zoning districts
 - Eliminated Airport district
 - Consolidated Industrial districts
 - Simplified Residential districts
- Points of Emphasis
 - Implementing GPP recommendations
 - Mixed Uses
 - Building-Forward Design
 - Impervious Surface Coverage

RE: Residential Estate

- Consolidated two RE districts from existing Zoning Ordinance
- One unit per 2.5 acres

RS: Residential Single-family

- Consolidated RS2 & RS3.5 districts from existing Zoning Ordinance
- Approximately 4-5 units/acre
- Removed the PRO6 overlay
- Reduced Front Building Setbacks

RC: Residential Core

- Revision of RS4.5 district from existing Zoning Ordinance
- Approximately 5-6 units/acre
- Protection of core neighborhoods
- Accessory Dwelling Units

RM: Residential Multifamily

- Continuation of RM7 district from existing Zoning Ordinance
- 7 units/acre
- Mixed use opportunities
- Removed the PRO12 overlay

RH: Residential High-Density Multifamily

- Continuation of RM15 district from existing Zoning Ordinance
- 15 units/acre
- Mixed use opportunities
- Removed the PRO20 overlay

MH: Manufactured/Mobile Home Park

- New zoning district
- Applies only to existing manufactured/mobile home parks

CL: Commercial Limited

- Continuation of CL district from existing Zoning Ordinance
- Neighborhood-scaled commercial zone
- Parking to the rear of buildings
- Limit on size of commercial tenants

CG: Commercial General

- Continuation of CG district from existing Zoning Ordinance
- Restrictions on auto-oriented uses
- Parking to the rear of buildings
- Upper-floor residential units permitted

CA: Commercial Arterial

- Continuation of CA district from existing Zoning Ordinance
- Larger scale, auto-oriented uses
- Parking to the rear of buildings
- Upper-floor residential units permitted

CD: Commercial Downtown

- Continuation of CD district from existing Zoning Ordinance
- Development standards to be addressed in Chapter 3 discussion

IG: Industrial General

- Consolidation of IG and IL districts from existing Zoning Ordinance

BP: Business Park

- Revision of BP district from existing Zoning Ordinance
- More permissive use allowances
 - Upper floor residential
 - Limited retail/restaurant uses
 - Light Manufacturing

IN: Institutional

- Continuation of IN district from existing Zoning Ordinance
- Removed professional office allowance

MD: Medical

- Continuation of MD district from existing Zoning Ordinance
- Consistent with recent zoning amendment pertaining to Bloomington Hospital
- Mixed use opportunities through Conditional Uses

QY: Quarry

- Continuation of QY district from existing Zoning Ordinance
- Designed to protect remaining existing quarries

Non-Unanimous Amendments which Passed**PC Am 055 (8-3)**

This amendment addressed the issue of gross versus net density as it would apply to properties zoned RM and RH. Specifically, this amendment capped the amount of development density that could be utilized on non-environmentally constrained areas which are located in the same development as areas being set aside for environmental protection. The existing Zoning Ordinance, which is based on a gross density concept, does not restrict the development density that can be achieved in these areas. This amendment still allows densities to be increased for these non-environmentally constrained areas but cap density at 1.5 times the zoned density.

PC Am 076 (9-2)

This amendment allows sexually-oriented businesses to be a permitted use within the Industrial General (IG) zoning district.

PC Am 125 (8-1)

This amendment deletes Accessory Dwelling Units (ADU) from the proposed UDO. Currently, ADU are proposed to be allowed through a Conditional Use process in the RE, RS, RC, and RM zoning districts.

Defeated Amendments

PC Am 022 (0-11)

This amendment would increase residential parking requirements throughout the Commercial Downtown (CD) zoning district. Specifically, this amendment would remove the parking exemption currently provided in Chapter 3 for projects of ten bedrooms or less as well as the 0.5 parking space ratio for bedrooms 11-20. Instead, a consistent requirement of 0.8 parking spaces per bedroom is being proposed.

PC Am 026 (5-6)

This amendment would reduce the height thresholds in all overlays in order to respond to comments that a greater number of projects should be subject to Plan Commission review.

PC Am 030 (0-11)

This amendment would allow ground floor multifamily units to be a permitted use within both the Courthouse Square and Showers Technology Park Overlay districts.

PC Am 127 (4-5)

This amendment would require Plan Commission review of all developments in the Commercial Downtown (CD) District. Revisions to certain sections of each downtown overlay district would be required in order to effectuate this amendment. The draft below shows changes only to the Courthouse Square (CSO) Overlay District. If this amendment is approved, staff will make the necessary revisions to the remainder of Chapter 3 (20.03) for Commission review prior to final action on the UDO. The necessary changes that are not shown below would be parallel and without any substantive difference from the changes that are shown below.

PC Am 133 (N/A – No second)

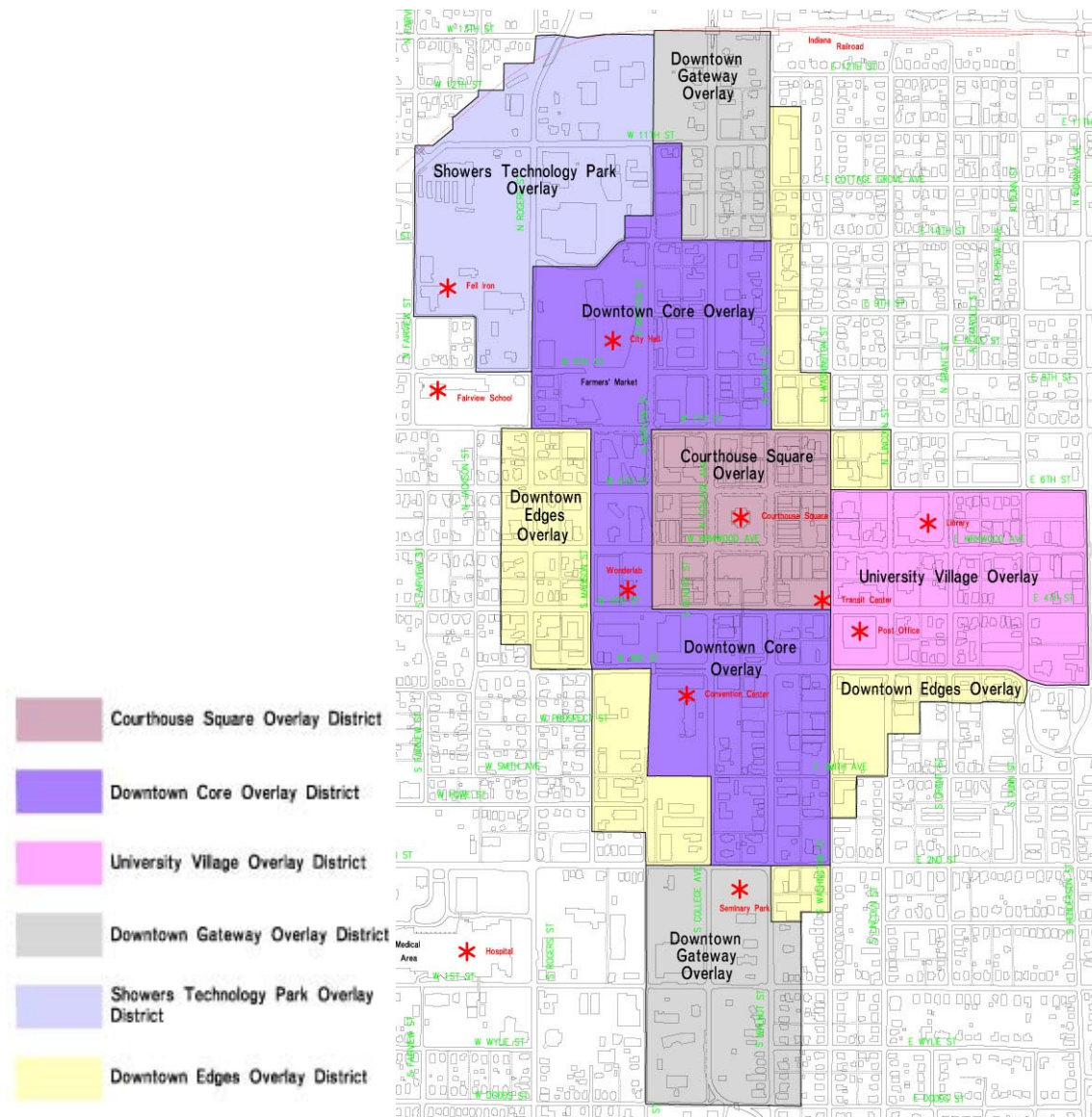
This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that fire sprinklers be provided for multifamily dwelling units located on the second floor and above in the Commercial Downtown (CD) zoning district. The reason for this amendment request is that the sprinkler requirement would exceed the standard of the Indiana Building Code and add cost to downtown development projects.

Chapter 3: Overlay Districts

Downtown Overlay Districts

- Based on the Downtown Vision and Infill Strategy Plan (*Adopted November 2005*)
- Outer boundary of overlays matches Commercial Downtown (CD) district
- Six character areas defined in Downtown Plan translated into six overlay zoning districts
- Overlays provide additional, more specific standards beyond the basic CD district standards

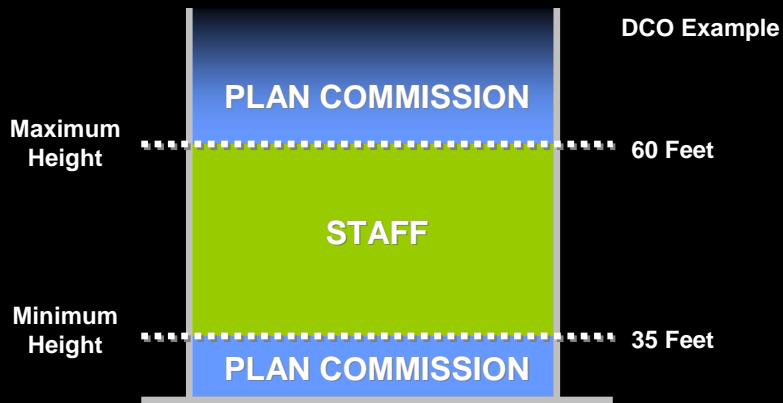
Downtown Overlay Districts



- District Intent
- Effect on Uses
- Effect on Standards
- Development Standards
- Architectural Standards
- Plan Commission Review
- Design Guidelines

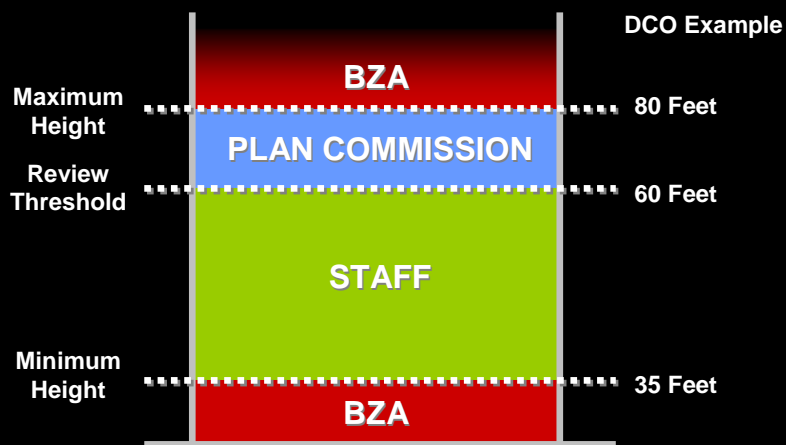
Downtown Overlay Districts

Proposed Review Process for Building Height



Downtown Overlay Districts

Alternative Review Process for Building Height



CSO: Courthouse Square Overlay

- Uses
 - Residential on upper floors only
- Density
 - 60 Units/Acre
- Height
 - Minimum
 - 25 Feet
 - Maximum
 - Facing Courthouse Square: 40 Feet
 - Other: 55 Feet

DCO: Downtown Core Overlay

- Uses
 - Only excluded CD use is “convenience store (with gas)”
- Density
 - 60 Units/Acre
- Height
 - Minimum
 - 35 Feet
 - Maximum
 - 60 Feet

UVO: University Village Overlay

- Uses
 - Only excluded CD use is “convenience store (with gas)”
- Density
 - 30 Units/Acre
- Height
 - Minimum
 - 25 Feet
 - Maximum
 - Restaurant Row Corridor: 40 Feet
 - Other: 55 Feet

DEO: Downtown Edges Overlay

- Uses
 - All CD uses permitted in this overlay
- Density
 - 20 Units/Acre
- Height
 - Minimum
 - 25 Feet
 - Maximum
 - 40 Feet

DGO: Downtown Gateway Overlay

- Uses
 - All CD uses permitted in this overlay
- Density
 - 45 Units/Acre
- Height
 - Minimum
 - 25 Feet
 - Maximum
 - 50 Feet

STPO: Showers Technology Park Overlay

- Uses
 - Uses oriented to Technology Park development
- Density
 - 15 Units/Acre
- Height
 - Minimum
 - 25 Feet
 - Maximum
 - 55 Feet

Plan Commission Review Process

•Review triggered by the following:

- Deviation from permitted/conditional use lists
- Deviation from Development Standards, such as height or residential density
- Deviation from Architectural Standards, such as building materials or entrance detailing
- Special Triggers in Plan Commission Review section, such as a certain number of residential units or a certain square footage of retail space
- Plan Commission review guided by the Downtown Vision and Infill Strategy Plan, as specified in each overlay district

Non-Unanimous Amendments which Passed

PC Am 020 (8-3)

This amendment would revise the requirements for pedestrian entrances on building facades along the B-Line Trail in the Commercial Downtown zoning district. Specifically, it would change the current requirement that each ground floor use have an individual entrance on the B-Line trail to a requirement that each structure have a minimum of one pedestrian entrance on the B-Line trail.

PC Am 074 (9-2)

This amendment creates an area in the Commercial Downtown (CD) zoning district where no parking would be required. Specifically, this area encompasses the Courthouse Square Overlay (CSO) district as well as a portion of the Downtown Core Overlay (DCO) south of the City's parking garages. This provision would not preclude a developer from providing parking, but it would not require such spaces for residential development as outlined in the current UDO draft.

Defeated Amendments

PC Am 133 (N/A – No second)

This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that fire sprinklers be provided for multifamily dwelling units located on the second floor and above in the Commercial Downtown (CD) zoning district. The reason for this amendment request is that the sprinkler requirement would exceed the standard of the Indiana Building Code and add cost to downtown development projects.

Chapter 4: Planned Unit Developments

•District Intent

–*Purpose Statements taken from existing Zoning Ordinance*

•Qualifying Standards

–*Proposed minimum area for PUD: 5 acres*

–*Existing Ordinance minimum area for PUD: 3 acres*

•PUD District Ordinance/Preliminary Plan

–*Neighborhood meeting required prior to application*

–*Submittal requirements for application*

–*Considered abandoned if no Final Plan approved within 3 years*

–*Changes or Amendments*

•Final Plan

–*Submittal requirements for application*

–*Reviewed by Plan Commission unless delegated to staff*

–*Considered abandoned if no permits obtained within 3 years*

–*Changes or Amendments*

Non-Unanimous Amendments which Passed

PC Am 037 (10-1)

This amendment added a statement to the Planned Unit Development District Intent section specifying that a Planned Unit Development should provide a public benefit that would not be possible without deviations from existing development standards.

Defeated Amendments

None

Chapter 5: Development Standards

- Standards in Chapter 5 govern site plan review
- Zoning district icons indicate where each development standard applies
- Standards sections arranged in alphabetical order by section title

Accessory Structure Standards

- RS/RC Districts
 - Maximum of 2 enclosed accessory structures*
 - Maximum cumulative area of enclosed accessory structures*
- RC: 580 square feet
- RS: 840 square feet

Affordable Housing Standards

- Must be enrolled in local, state or Federal affordable housing program
- Incentives
 - Waivers of fees*
 - Sidewalk construction assistance*
 - Reduced parking*
 - Reduced lot area & width*

Alternative Transportation Standards

- Section covers:
 - Sidewalks*
 - Sidepaths*
 - Bike Lanes*
 - Multiuse Trails*
 - Connector Paths*
 - Transit Facilities*
 - Bicycle Parking*

Alternative Transportation Standards

- Codifies recommendations of the ATGSP
- Construction standards for bicycle and pedestrian facilities
- Increased bicycle parking requirements
- Addition of public transit stop standards

Architectural Standards

- In nonresidential districts, applies to properties within 300 feet of primary arterial or 500 feet of a freeway/expressway
 - Materials
 - Exterior Facades/Blank Wall Control
 - 360-degree Architecture
- Separate requirements for all residential districts
- Incorporation of The Plan for West Kirkwood

Communication Facility Standards

- Very similar to existing ordinance requirements
- Continues existing setback and buffer requirements
- Maintains current collocation requirements

Conditional Use Standards

- General criteria for all Conditional Uses
- Specific criteria for certain Conditional Uses as noted in Conditional Use lists in Chapter 2
- Examples
 - Accessory Dwelling Units*
 - Retail Low Intensity/Restaurant Limited Service*
 - Kennel*

Entrance & Drive Standards

- Increased driveway separation requirements
- Maximum driveway widths decreased
- Driveway access from alley in RC district

Environmental Standards

- Steep Slopes
 - Development prohibited on 18% slopes or greater*
 - Development restricted on 12-18% slopes*
- Siltation & Erosion Prevention
 - Similar to existing ordinance*
 - Soil stockpiles must be seeded or protected if inactive for 7 days (decreased from 30 days)*
 - Sedimentation Basin requirements apply to 1 acre sites (decreased from 10 acres)*

Environmental Standards

- Riparian Buffer
 - 3 buffer zones (Streamside, Intermediate, Fringe) of 25 feet each on both sides of water feature*
 - Significant buffer width increase over existing ordinance*
- Karst Geology
 - 25 foot buffer for individual sinkholes maintained*
 - Provisions for compound karst features added*
 - Placement within Karst Conservancy Easement (KCE) required*
 - 10 foot building setback from buffer zone*

Environmental Standards

- Wetlands
 - 25 foot “no disturbance area” around all delineated wetlands*
- Tree & Forest Preservation
 - Sliding scale for Forest Preservation based on % of canopy cover*
 - Example: For a property of 20 acres with 50% canopy cover (10 acres), a development would be required to maintain at least 7 acres (10 acres x 0.70) of canopy cover*
- Lake Watershed Areas
 - Steep slope prohibition changed from 18% to 12%*

Fence & Wall Standards

- No fences or walls within a public or private easement
- 4 foot height limit for any fence in a front yard

Floodplain Standards

- Removed distinction between urban and rural floodplain designations
- More restrictive on uses allowed within floodplain areas

Green Development Incentives

- Based on LEED Green Building standards from the U.S. Green Building Council
- Two levels of incentives, depending on the number of LEED elements incorporated
- Incentives include building setback reductions and residential density increases

Height Standards

- Proposed standards are a restatement of existing ordinance requirements

Home Occupation Standards

- Standards are very similar to current ordinance requirements
- New operation standards:
 - Residential character
 - Off-street Parking
 - Hours of Operation
 - Commercially Licensed Vehicles
- Consolidates requirements from several locations in existing ordinance

Landscaping Standards

- Generally requires the same amount of landscape planting as existing ordinance
- “D-value” system for landscaping no longer part of ordinance
- Stronger requirements for parking lot landscaping & buffer yards
- Emphasis on native plants in Plant List

Lighting Standards

- Much more detailed lighting requirements than existing ordinance
- Applies to new construction, changes in use, major modifications to structures or parking areas, and modifications to outdoor lighting
- Fully shielded lighting fixtures required
- Regulates light trespass and glare onto adjacent properties

Loading Standards

- Screening of loading areas
- Paving of loading areas
- Location of loading areas at rear of structures

Municipal Services Standards

- Requires City sewer and water hook-up
- Requires placement of dry hydrants (at request of Fire Department)
- Requires extension of Bloomington Digital Underground (BDU)

Outdoor Storage Standards

- Regulates parking on an unimproved surface
- Prohibits certain types of storage activities
- Requires screening of permitted storage activities

Environmental Standards

- Steep Slopes
 - Development prohibited on 18% slopes or greater*
 - Development restricted on 12-18% slopes*
- Siltation & Erosion Prevention
 - Similar to existing ordinance*
 - Soil stockpiles must be seeded or protected if inactive for 7 days (decreased from 30 days)*
 - Sedimentation Basin requirements apply to 1 acre sites (decreased from 10 acres)*

Environmental Standards

- Riparian Buffer

- 3 buffer zones (*Streamside, Intermediate, Fringe*) of 25 feet each on both sides of water feature
- Significant buffer width increase over existing ordinance

- Karst Geology

- 25 foot buffer for individual sinkholes maintained
- Provisions for compound karst features added
- Placement within Karst Conservancy Easement (KCE) required
- 10 foot building setback from buffer zone

Environmental Standards

- Wetlands

- 25 foot “no disturbance area” around all delineated wetlands

- Tree & Forest Preservation

- Sliding scale for Forest Preservation based on % of canopy cover
- Example: For a property of 20 acres with 50% canopy cover (10 acres), a development would be required to maintain at least 7 acres (10 acres x 0.70) of canopy cover

- Lake Watershed Areas

- Steep slope prohibition changed from 18% to 12%

Insert Enviro Graphics Here

- Case Study: Rosewood (North of Hyde Park)

Insert Enviro Graphics Here

- Case Study: Rosewood (North of Hyde Park)

Fence & Wall Standards

- No fences or walls within a public or private easement
- 4 foot height limit for any fence in a front yard

Floodplain Standards

- Removed distinction between urban and rural floodplain designations
- More restrictive on uses allowed within floodplain areas

Green Development Incentives

- Based on LEED Green Building standards from the U.S. Green Building Council
- Two levels of incentives, depending on the number of LEED elements incorporated
- Incentives include building setback reductions and residential density increases

Height Standards

- Proposed standards are a restatement of existing ordinance requirements

Home Occupation Standards

- Standards are very similar to current ordinance requirements
- New operation standards:
 - Residential character
 - Off-street Parking
 - Hours of Operation
 - Commercially Licensed Vehicles
- Consolidates requirements from several locations in existing ordinance

Landscaping Standards

- Generally requires the same amount of landscape planting as existing ordinance
- “D-value” system for landscaping no longer part of ordinance
- Stronger requirements for parking lot landscaping & buffer yards
- Emphasis on native plants in Plant List

Lighting Standards

- Much more detailed lighting requirements than existing ordinance
- Applies to new construction, changes in use, major modifications to structures or parking areas, and modifications to outdoor lighting
- Fully shielded lighting fixtures required
- Regulates light trespass and glare onto adjacent properties

Loading Standards

- Screening of loading areas
- Paving of loading areas
- Location of loading areas at rear of structures

Municipal Services Standards

- Requires City sewer and water hook-up
- Requires placement of dry hydrants (at request of Fire Department)
- Requires extension of Bloomington Digital Underground (BDU)

Outdoor Storage Standards

- Regulates parking on an unimproved surface
- Prohibits certain types of storage activities
- Requires screening of permitted storage activities

Parking Standards

- Establishes minimum parking requirements for all uses
 - Generally reduced from existing zoning ordinance*
- New parking tools:
 - Maximum parking cap (115%)*
 - Landbanking*
 - Shared parking arrangements*
- Parking area surface requirements

Public Improvement Standards

- Infrastructure design & construction standards
- Recognizes authority of various City departments for different public improvements

Setback Standards

- In addition to basic setback standards for zoning districts in Chapter 2
- Special setback requirements for certain building and site features
- Examples:
 - Awnings*
 - Porches*
 - Detached Carports/Garages*
 - Swimming Pools*
 - Storage Sheds*

Sign Standards

- General

- Provisions for special sign types*

- Prohibited signs*

- Design standards*

- Temporary Signs

- Display periods (90 days total)*

- Special event provisions*

- Residential Signs

- Subdivisions*

- Multifamily complexes (varies by size of complex)*

Sign Standards

- Permanent Display Cabinets

- Nonresidential

- Separate provisions for wall and freestanding sign allotments*

- Pole signs prohibited*

- Multiple freestanding signs if site has enough street frontage*

- Reduced signage allotments in Commercial Limited (CL) zoning district*

Sign Standards

- Downtown Signage

- No freestanding signs except under limited circumstances*

- Greater allowance for projecting signs than existing zoning ordinance*

- Sandwich Board Signs

- Permitted in CL and CD zoning districts*

- Regulations carried over from existing zoning ordinance*

Special Conditions Standards

- Provides additional regulations for certain uses as noted in Chapter 2

- Examples:

- Brewpubs*

- Car Washes*

- Crops & Pasturage (Livestock)*

- Dwelling, Single-Family Attached*

- Outdoor Storage*

Temporary Use & Structure Standards

- Development standards and duration limits for temporary uses & structures

- Seasonal sales provisions

- Fireworks*

- Farm Produce*

- Pumpkins*

- Christmas Trees*

Vision Clearance Standards

- Revision of Sight Triangle Standards from existing ordinance

- References AASHTO standards and City Engineering Department approval

Sexually Oriented Business Standards

- Presentation by Tricia Bernens

Existing SOB Locations

Existing SOB Locations

Existing SOB Locations

Potential SOB Locations

Potential SOB Locations

Potential SOB Locations

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- Development standards and duration limits for temporary uses & structures

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- Fireworks*
- Farm Produce*
- Pumpkins*
- Christmas Trees*

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- Revision of Sight Triangle Standards from existing ordinance
- References AASHTO standards and City Engineering Department approval

Non-Unanimous Amendments which Passed

PC Am 054 (7-4)

This amendment changed the specific criteria in the Conditional Use section concerning Historic Adaptive Reuse petitions. Specifically, it removed the linkage between the granting of this type of Conditional Use and the designation of the applicable property as locally historic.

PC Am 064 (8-3)

This amendment addresses the issue of gross versus net density as it would apply to properties zoned RM and RH. Specifically, this amendment caps the amount of development density that could be utilized on non-environmentally constrained areas which are located in the same development as areas being set aside for environmental protection. The existing Zoning Ordinance, which is based on a gross density concept, does not restrict the development density that can be achieved in these areas. This amendment would still allow densities to be increased for these non-environmentally constrained areas but cap density at 1.5 times the zoned density.

PC Am 066a (7-2)

This amendment allows both projecting and blade signs within the Commercial Downtown (CD) zoning district, but with specific restrictions to limit the aesthetic impacts of such signs.

PC Am 075 (10-1)

This amendment does not allow a sexually-oriented business to locate within 500 feet of a shopping center site.

PC Am 076 (9-2)

This amendment allows sexually-oriented businesses to be a permitted use within the Industrial General (IG) zoning district.

PC Am 085 (10-1)

This amendment requires the provision of alternative transportation facilities for site plans associated with Home Occupation requests.

PC Am 103 (9-2)

This amendment gives the Plan Commission more latitude in determining whether a site plan or subdivision complies with the Sustainable Development Practices contained in both Chapter 5 and Chapter 7 of the Unified Development Ordinance. Such compliance must be determined prior to the awarding of incentives contained in the UDO. Several Plan Commissioners were concerned that a site plan or subdivision proposal could meet the various Sustainable Development Practices contained in Chapter 5 and Chapter 7 without resulting in a project that meets the community's expectations concerning sustainable development. This amendment makes the Plan Commission's decision-making more discretionary.

PC Am 125 (8-1)

This amendment deletes Accessory Dwelling Units (ADU) from the proposed UDO. Currently, ADU are proposed to be allowed through a Conditional Use process in the RE, RS, RC, and RM zoning districts.

PC Am 131 (7-2)

This amendment, which was requested by the Chamber of Commerce, eliminates the requirement that residential developments provide both covered bicycle parking and bicycle storage lockers. The justification for this amendment request is that there is a significant cost burden associated with providing these types of facilities. If this amendment is approved, multifamily developments would still be required to provide one bicycle parking space per six bedrooms. However, all bicycle parking spaces would be uncovered, Class II facilities.

Defeated Amendments**PC Am 039 (2-9)**

This amendment, which has been requested by the Chamber of Commerce, would dictate that developments providing additional parking above the maximum limits of the UDO receive variance consideration by only the Hearing Officer rather than by either the Hearing Officer or Board of Zoning Appeals. The reason for this amendment is to allow businesses that have unique parking needs which exceed the UDO maximums to have an easier path for variance consideration. Because the current Zoning Ordinance is based on parking minimums, there is no real limit to how much parking can be provided. The UDO requires that maximum parking not be in excess of 15% of minimum code requirements.

PC Am 045 (5-6)

This amendment would increase both the threshold point for requiring covered bike parking as well as the proportion of bicycle parking spaces which must be covered.

PC Am 066 (1-8)

This amendment would delete the proposed allowances for projecting signs in the Commercial Downtown (CD) zoning district. Instead, projecting signs would be limited to being no greater than 12 inches (1 foot) from any building façade. This would keep the projection allowance the same as the current requirement in the Zoning Ordinance.

PC Am 073 (4-5-1, as amended)

At the request of the Monroe County Apartment Owners Association, this amendment would change the signage allowances for multifamily housing projects. Specifically, multifamily complexes of at least 15 units would be allowed to have either permanent yard signs or a banner at project entrances. Additionally, these complexes would have the option of substituting a permanent display cabinet on the building in place of the yard signs or banners.

PC Am 128 (1-8)

This amendment would reduce the width of the three proposed Riparian Buffer zones from 25 feet each to 15 feet each, and would waive Zone 3 if the stream is not within a FEMA regulated floodplain.

PC Am 129 (0-8)

This amendment, which has been requested by the Chamber of Commerce, would dictate that developments providing additional parking above the maximum limits of the UDO receive variance consideration by only the Hearing Officer rather than by either the Hearing Officer or Board of Zoning Appeals. The reason for this amendment is to allow

businesses that have unique parking needs which exceed the UDO maximums to have an easier path for variance consideration. Because the current Zoning Ordinance is based on parking minimums, there is no real limit to how much parking can be provided. The UDO requires that maximum parking not be in excess of 15% of minimum code requirements.

PC Am 130 (2-6)

This amendment would eliminate the proposed requirement that developers construct multiuse trails where they are indicated by the Alternative Transportation & Greenways System Plan. Instead, this amendment would require that the developer provide only an easement for the future trail.

PC Am 133 (N/A – No second)

This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that fire sprinklers be provided for multifamily dwelling units located on the second floor and above in the Commercial Downtown (CD) zoning district. The reason for this amendment request is that the sprinkler requirement would exceed the standard of the Indiana Building Code and add cost to downtown development projects.

Chapter 6: Subdivision Regulations

- 4 Subdivision Types
- All subdivisions must conform to one of the 4 types unless authorized by Plan Commission
- Two-page layouts with illustrative graphics for each subdivision type

Conventional Subdivision (CV)

- All residential zoning districts
- Open space depending on number of lots
- Cul-de-sac length standards
- Requirements for:
 - Alternative transportation*
 - Right-of-way*
 - Street width*
 - On-street parking*
 - Tree plots*

Conservation Subdivision (CS)

- RE & RS zoning districts
- 5 acre minimum tract size
- 50% Open Space
- Cul-de-sac length increased
- Reductions in lot area and width

Traditional Subdivision (TD)

- Residential & Commercial zoning districts
- 3 acre minimum tract size
- 5% Open Space
- Cul-de-sacs prohibited
- Reductions in:
 - Lot area and width*
 - Setbacks*
- Increases in:
 - Impervious surface coverage*
 - Density*

Commercial/Industrial Subdivision (CI)

- Nonresidential zoning districts
 - No minimum tract size
 - Cul-de-sac length standards
 - Requirements for:
 - Alternative transportation*
 - Right-of-way*
 - Street width*
 - Tree plots*
-

Non-Unanimous Amendments which Passed

None

Defeated Amendments

PC Am 095 (2-9)

This amendment would permit the use of cul-de-sacs within a Traditional Subdivision.

PC Am 096 (3-8)

This amendment would prohibit the use of cul-de-sacs in Conventional and Conservation Subdivisions unless approved by the Plan Commission.

Chapter 7: Design Standards

- All subdivisions must conform to the design standards of Chapter 7
- Icon key indicates where each individual design standard applies

Alley Standards

- 20 feet of right-of-way
- 14 feet of pavement
- No curbs

Arterial Frontage Standards

- Design of lots fronting arterial streets:
 - Alley access
 - Local street access/frontage street
 - Landscape buffering/fencing/berming
 - Separation of access points

Easement Standards

- Easement types listed as follows
 - Sanitary Sewer
 - Waterline
 - Drainage
 - Utility
 - Pedestrian
 - Transit
 - Karst Conservancy
 - Tree Preservation
 - Conservancy

Environmental Standards

- Link to Environmental Standards in Chapter 5
- Require placement of easements for certain environmental features
- Some environmental features must also be placed in common areas

Facilities Plan Standards

- Illustration of all environmental preservation/conservation easements, common areas, and commonly-owned detention/retention ponds
- Special requirements for residential subdivisions that include more than 75 lots or 20 acres

Lot Establishment Standards

- Standards for shape and size of all subdivided lots
- Residential corner lots must be 50% larger, nonresidential corner lots must 25% larger
- Addresses requirements for Condominium and Zero Lot Line developments

Monument & Marker Standards

- Requires monuments & markers to be placed per State Code

On-street Parking Standards

- Dimensions, striping, and signage standards for on-street parking created as part of a subdivision
- Standards for “bump-out” design

Open Space Standards

- List of site features that qualify as required open space
 - Conservation areas
 - Man-made water features
 - Detention ponds
 - Floodplain areas
 - Other common areas, such as tot lots, etc.

Pedestrian Network Standards

- Outlines pedestrian facilities required for all subdivisions
- Facility types guided by ATGSP
- Cul-de-sacs less than 300 feet long, with less than 10 residential lots may provide sidewalk on only one side of the cul-de-sac

Storm Water Standards

- Codifies required submittal of drainage plans to City Utilities
- Requires storm water runoff quality mitigation
- Requires common area for drainage facilities

Street & Right-of-way Standards

- Addresses street design requirements such as:
 - Connectivity
 - Stub Streets
 - Curb Design
 - Pavement/Right-of-way Width
 - Cul-de-sac Length
 - Pavement Thickness

Street Lighting Standards

- Requires developer submittal of street lighting plans
- Requires full cut-off lighting fixtures
- Requires Board of Public Works approval

Street Name Standards

- Street naming rules designed to avoid repetition or similarity of street names
- Provides authority to rename proposed streets in certain cases

Street Sign Standards

- Specifies the types of signs that the developer must install within a subdivision
- Requires temporary street name signs during construction to aid emergency services

Sustainable Development Incentives

- Similar incentives to Green Development Incentives in Chapter 5
- Incentives slightly altered to address lot area and lot width during subdivision process

Utility Standards

- Addresses requirements for sewer and water provision in subdivisions
-

Non-Unanimous Amendments which Passed

PC Am 103 (9-2)

This amendment gives the Plan Commission more latitude in determining whether a site plan or subdivision complies with the Sustainable Development Practices contained in both Chapter 5 and Chapter 7 of the Unified Development Ordinance. Such compliance must be determined prior to the awarding of incentives contained in the UDO. Several Plan Commissioners were concerned that a site plan or subdivision proposal could meet the various Sustainable Development Practices contained in Chapter 5 and Chapter 7 without resulting in a project that meets the community's expectations concerning sustainable development. This amendment makes the Plan Commission's decision-making more discretionary.

Defeated Amendments

None

Chapter 9: Nonconformities

- Content is very similar to existing Zoning Ordinance
- Much of content determined by Indiana State Code, including recent legislative changes

Nonconforming Lots, Sites & Structures

- Codifies current procedures for determining when a lot, site or structure must come into compliance with UDO standards
 - Full Compliance
 - Limited Compliance, Nonresidential: list of all site improvements that must be addressed
 - Limited Compliance, Multifamily: list of all site improvements that must be addressed
 - Limited Compliance, Single Family
 - Nonconforming signs
 - Structures in Floodplains
-

Non-Unanimous Amendments which Passed

None

Rejected Amendments

None

Chapter 10: Processes, Permits & Fees

- Outlines procedural requirements for all processes and permits related to the UDO

- Applications
- Public Notice
- Hearing Procedures
- Pre-application Requirements
- Schedule of Fees
- Commitments

Petitions

- Site Plan Review
- Development Standards Variance
- Use Variance
- Conditional Use
- Amendment to Zoning Map

Subdivision Control

- Preliminary Plat
- Final Plat
- Plat Vacation
- Waivers & Modifications

Permits

- Certificate of Zoning Compliance
- Demolition Delay
- Grading Permit
- Certificate of Occupancy
- Sign Permit
- Temporary Use Permit

Easements

- Modification
- Termination
- Vacation

Surety Standards

- Performance Surety
- Certificate of Final Acceptance

Other Processes

- Administrative Interpretations
- Administrative Appeals
- Amendments to Ordinance Text

Non-Unanimous Amendments which Passed

None

Rejected Amendments

None

Chapter 11: Enforcement & Penalties

- Added penalties for illegal demolition
 - Added tree removal remediation requirements
 - Added environmental remediation requirements
 - Increased maximum fines for violations
 - Increased fines for “repeat offenders”
 - Clarified/simplified process for enforcement
-

Non-Unanimous Amendments which Passed

PC Am 135 (8-2)

This amendment raises the proposed fine for erecting a temporary sign without a permit to \$100 (currently \$50), and would raise the proposed fine for erecting a permanent sign without a permit to \$250 (currently \$100).

PC Am 136a (8-1)

This amendment provides Planning Department staff with the ability to give warnings prior to the issuance of Notices of Violation (NOV) for zoning enforcement cases.

Defeated Amendments

PC Am 136 (1-8)

This amendment, which was requested by the Chamber of Commerce, would create a 5-day grace period to allow for correction of certain zoning violations. Specifically, the Chamber has proposed that four zoning violations – Temporary Signage Without Permit, Parking On Unimproved Surface, Change In Use Without Certificate of Zoning Compliance (CZC), and Operation of Home Occupation Without CZC – receive a Notice of Violation without fining.

Chapter 12: Definitions

- Consolidated all definitions into a single chapter
 - Definitions for all uses listed in Chapter 2
 - Illustrative graphics included for certain terms
-

Non-Unanimous Amendments which Passed

PC Am 075 (10-1)

This amendment does not allow a sexually oriented business to locate within 500 feet of a shopping center site.

Defeated Amendments

None

Proposed Zoning Map

See Zoning Maps in Legislative Packet

- 15 Zoning Districts
- 6 Downtown Overlay Districts
- Significant land under PUD designation
- Changes in zoning minimized

Non-Unanimous Amendments which Passed

PC Am 152 (7-2)

This amendment, which was requested by the Near West Side Neighborhood Association, would eliminate the Commercial Downtown (CD) zoning proposed for four properties located at 221 North Rogers Street, 215 North Rogers Street, 502 West 6th Street/207 North Rogers Street, and 508 West 6th Street. Land uses at these addresses include two rehabilitative facilities and three registered multifamily rentals. All of the structures in question are protected by the City's Demolition Delay Ordinance. Please see the attached maps for both the current and proposed zoning designations for these properties.

PC Am 154 (6-2)

This amendment, which was requested by the Bryan Park Neighborhood Association, would delete the Residential Multifamily (RM) for properties located in two areas along South Washington Street (please see the attached map exhibits that outline current zoning, proposed zoning, and registered rental/residential unit counts in these two areas).

PC Am 164 (8-2)

This amendment would revise the proposed zoning for certain properties located generally at the southwest corner of Hillside Drive and Henderson Street. Maps showing existing zoning and proposed UDO zoning for the subject parcels have been included as attached.

Defeated Amendments

PC Am 153c (1-8)

This amendment, which was requested by the Old Northeast Neighborhood Association, would alter the proposed zoning for the properties located in the area bounded by 13th Street to the north, Woodlawn Avenue to the east, 10th Street to the south, and Indiana Avenue to the west. Maps showing proposed zoning and property ownership have been included as attached.

ORDINANCE 06-24

TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “ZONING”, INCLUDING THE INCORPORATED ZONING MAPS, AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED “SUBDIVISIONS”

WHEREAS, the Common Council, by its Resolution 02-19, approved a substantial update to the Comprehensive Plan for the City of Bloomington, which took effect on December 19, 2002; and

WHEREAS, the Plan Commission has initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Zoning”, including the incorporated zoning maps, and Title 19 of the Bloomington Municipal Code, entitled “Subdivisions”; and

WHEREAS, this proposal would replace the aforementioned Titles of the Bloomington Municipal Code with a single “Unified Development Ordinance” including incorporated zoning maps, to be codified as Title 20; and

WHEREAS, the Plan Commission certified the proposal to the Common Council with a favorable recommendation on November 17, 2006, after having provided notice and held public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Council have received information and evidence related to the secondary effects of sexually oriented businesses, and have made findings based upon such information and evidence and in support of regulations contained within this Proposal that place restrictions upon the location and concentration of such businesses;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 19, entitled “Subdivisions” is repealed.

SECTION II. Title 20, entitled “Zoning”, including the incorporated zoning maps, is repealed.

SECTION III. A replacement zoning and subdivision ordinance, entitled “Title 20, Unified Development Ordinance”, including the zoning maps and other material that are incorporated therein by reference, is hereby adopted, such replacement ordinance consisting of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) Adoption Draft (Draft F), Bloomington Unified Development Ordinance, released September 1, 2006 (hereinafter “Attachment A”); and
 - (B) Proposed Zoning Maps incorporated in Attachment A (consisting of the “UDO Zoning Districts” map and the “UDO Downtown Overlay Districts” map, collectively “Attachment B”); and
 - (C) Plan Commission Amendments to Attachments A and B (hereinafter

- “Attachment C”); and
2. The Common Council’s amendments to Attachments A, B and C (hereinafter “Attachment D”).

SECTION IV. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section III into a single text document and one or more incorporated map documents for codification.

SECTION V. The Common Council hereby ratifies, accepts, and adopts as its own findings, the Plan Commission’s Findings on Adverse Secondary Effects of Sexually Oriented Businesses, which are attached hereto and incorporated herein as Attachment E.

SECTION VI. Incorporation by Reference. Two copies of the zoning maps and other material that are incorporated into Title 20 by reference are on file in the office of the City Clerk for public inspection.

SECTION VII. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

SECTION IX. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2006.

CHRIS STURBAUM, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this _
_____ day of _____, 2006.

REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2006.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals Title 20 of the Bloomington Municipal Code, containing the existing zoning ordinance and its incorporated zone maps, and Title 19, containing the related Subdivision regulations, and adopts a replacement, combined zoning and subdivision ordinance, entitled “Unified Development Ordinance”, including the zoning maps and other material that have been incorporated into the ordinance by reference.


****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 06-24 is a true and complete copy of Plan Commission Case Number ZO-22-06 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 13, 2006.

Date: November 17, 2006


Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 17th day of NOVEMBER, 2006.


Regina Moore, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

ORDINANCE 06-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “ZONING”,
INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL
CODE, ENTITLED “SUBDIVISIONS”**

APPENDIX A

**DRAFT “F” OF THE UNIFIED DEVELOPMENT
ORDINANCE – DISTRIBUTED TO COUNCIL MEMBERS
ON SEPTEMBER 1, 2006
BY THE PLANNING DEPARTMENT**

**(AVAILABLE IN THE COUNCIL OFFICE, PLANNING
DEPARTMENT, AND THE MONROE COUNTY PUBLIC
LIBRARY)**

**To view a copy of the UDO posted by the
Planning Department please visit:**

www.bloomington.in.gov/udo

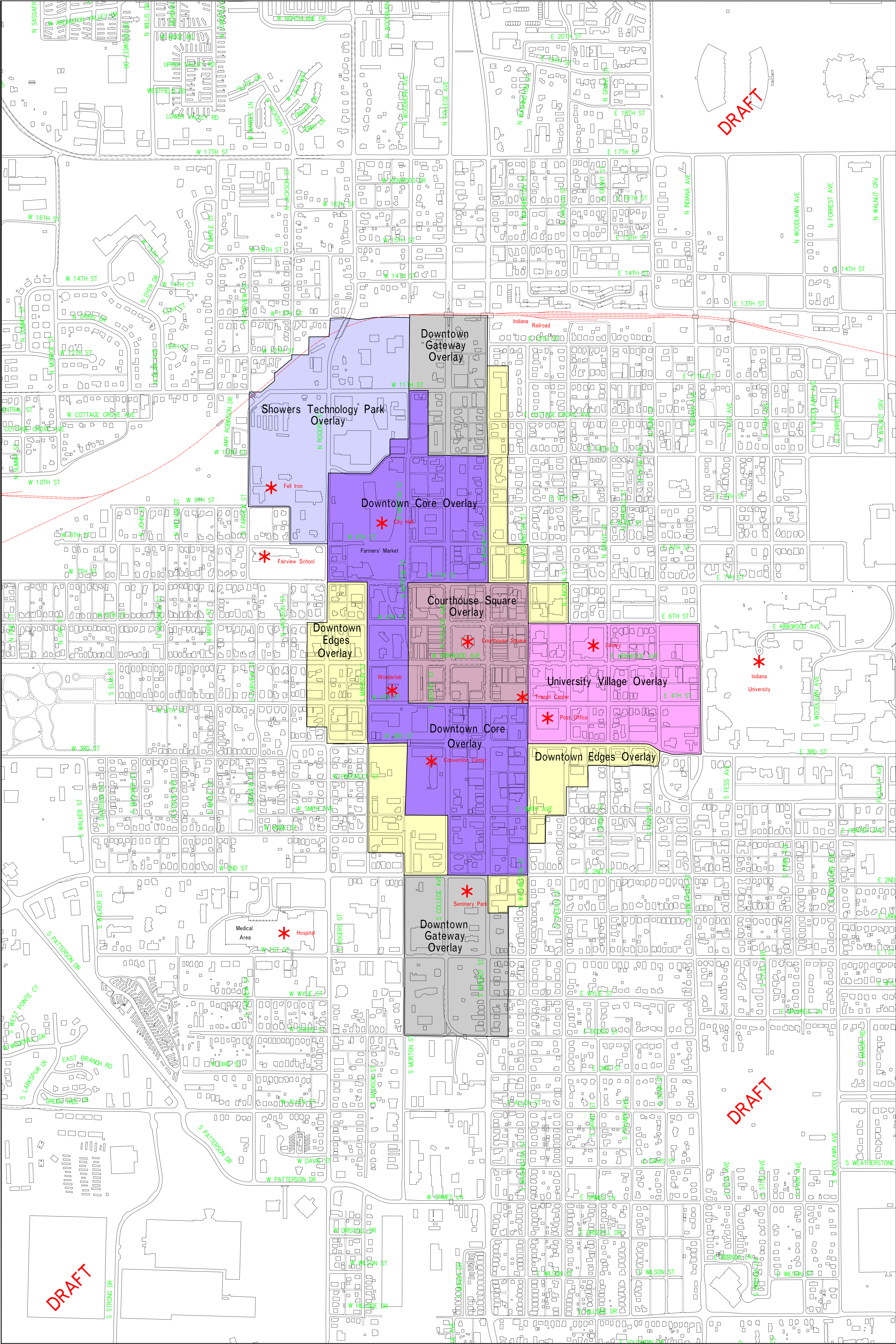
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APPENDIX B

ZONING MAPS INCLUDING:

DOWNTOWN OVERLAY
NORTHWEST QUADRANT
NORTHEAST QUADRANT
SOUTHEAST QUADRANT
SOUTHWEST QUADRANT



Legend

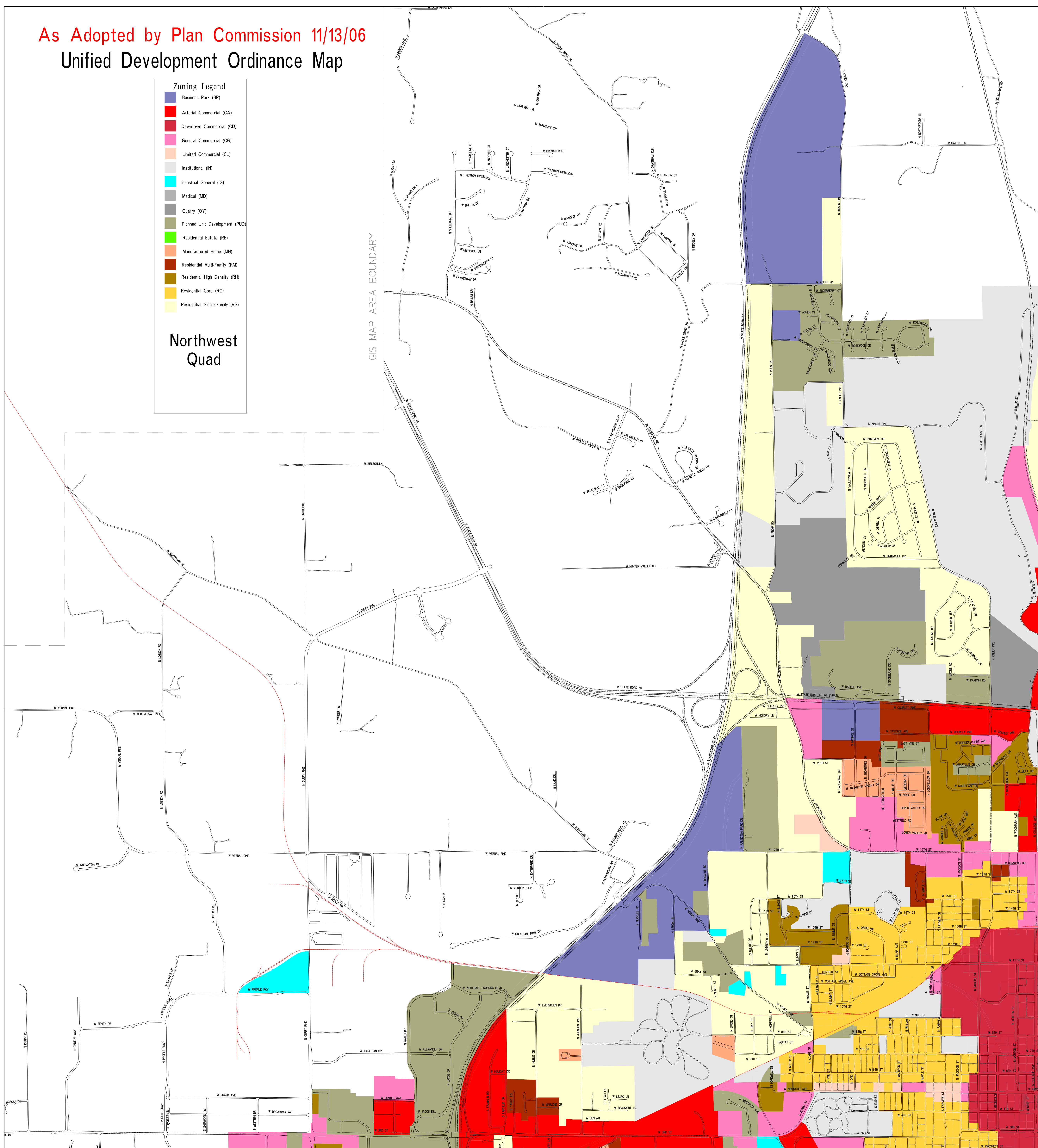
- Courthouse Square Overlay District
- Downtown Core Overlay District
- University Village Overlay District
- Downtown Gateway Overlay District
- Showers Technology Park Overlay District
- Downtown Edges Overlay District
- Reference Sites

DRAFT
11/13/06

TdtcaDP
Nov 17, 2006
winklec

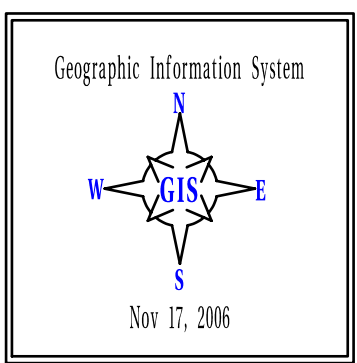
City of Bloomington
ITS Department
Geographic Information System

As Adopted by Plan Commission 11/13/06
Unified Development Ordinance Map



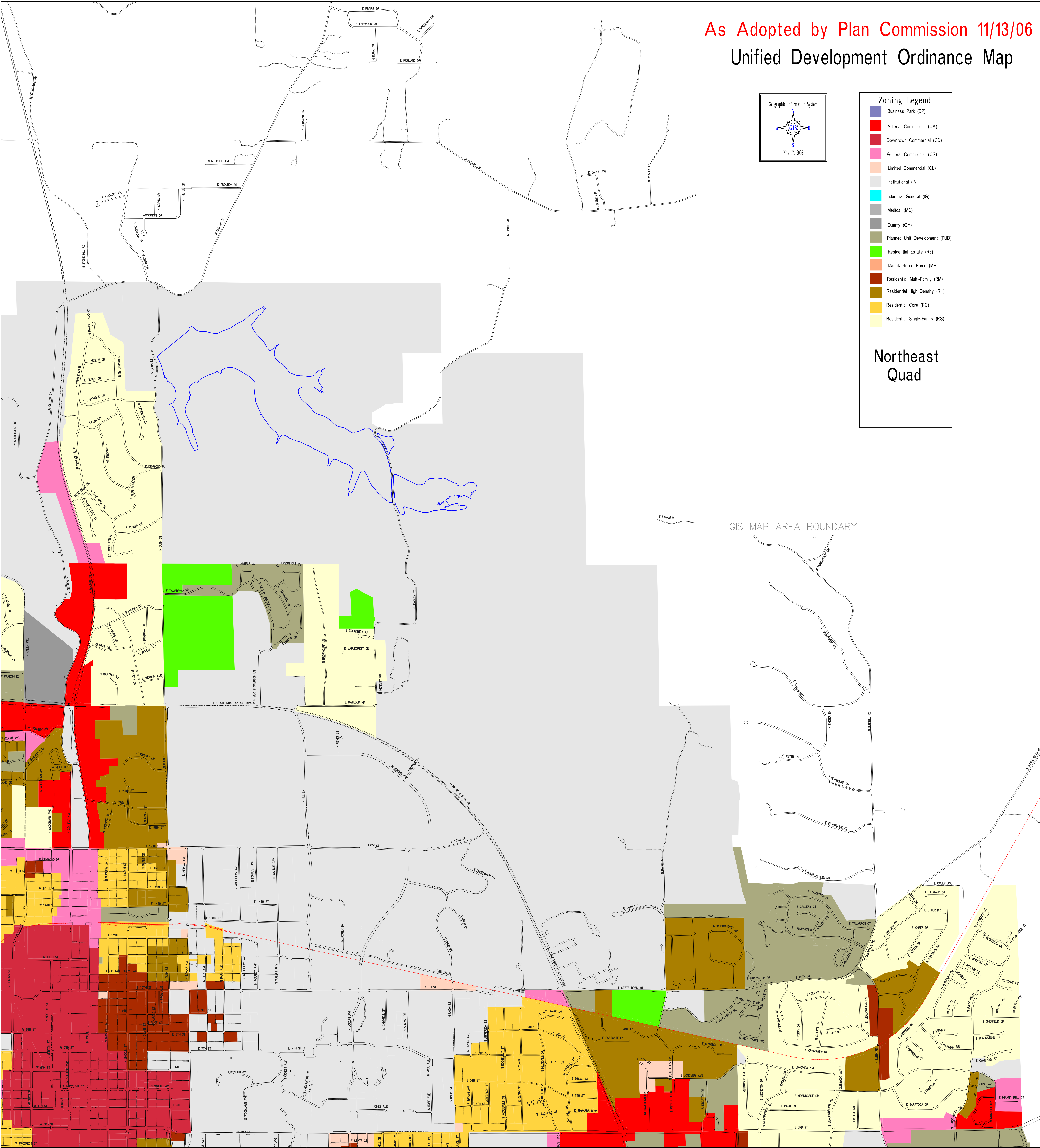
As Adopted by Plan Commission 11/13/06

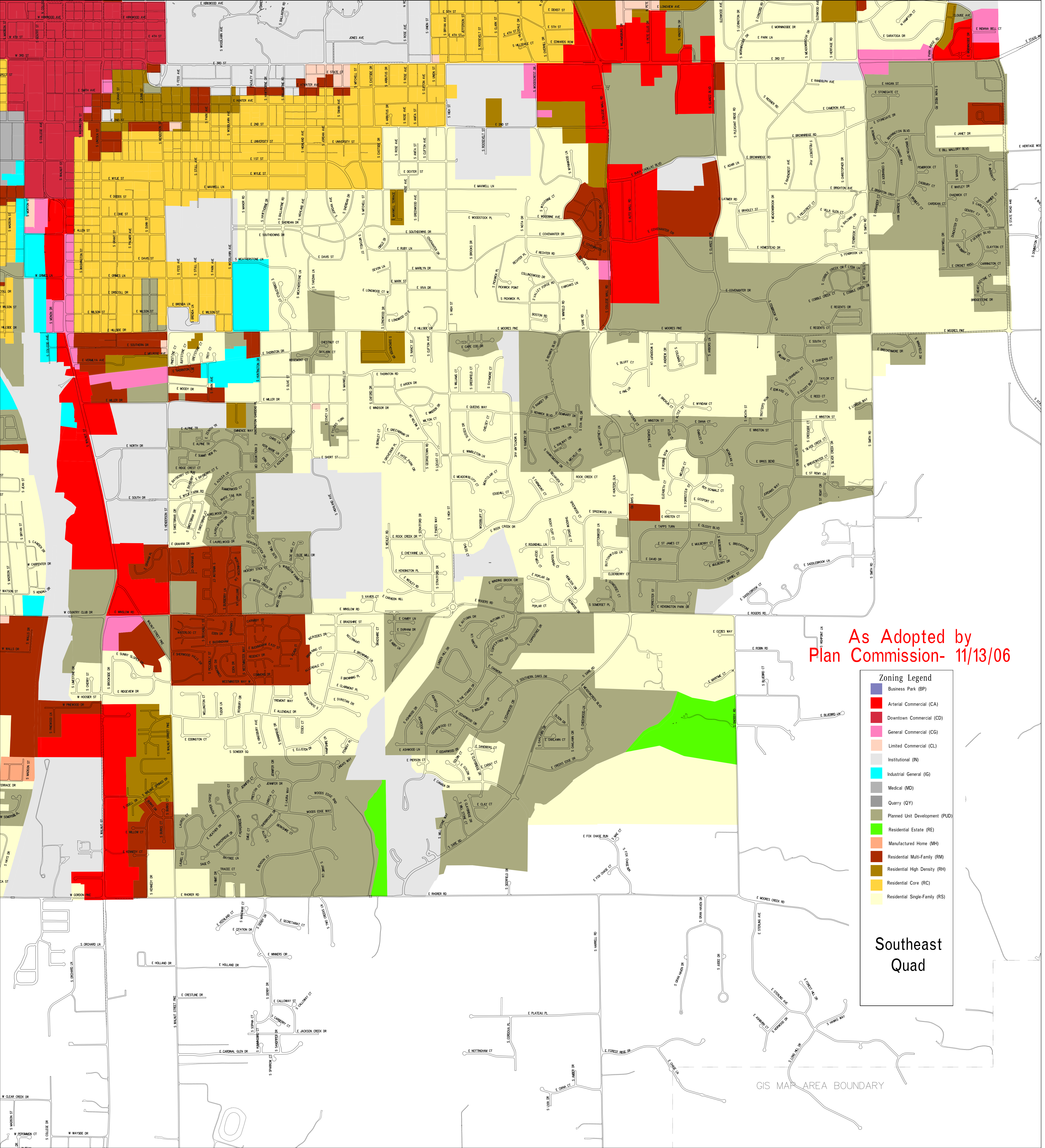
Unified Development Ordinance Map



- Zoning Legend**
- Business Park (BP)
 - Arterial Commercial (CA)
 - Downtown Commercial (CD)
 - General Commercial (CG)
 - Limited Commercial (CL)
 - Institutional (IN)
 - Industrial General (IG)
 - Medical (MD)
 - Quarry (QY)
 - Planned Unit Development (PUD)
 - Residential Estate (RE)
 - Manufactured Home (MH)
 - Residential Multi-Family (RM)
 - Residential High Density (RH)
 - Residential Core (RC)
 - Residential Single-Family (RS)

Northeast
Quad



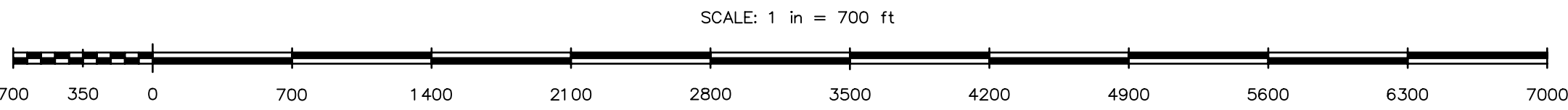


As Adopted by
Plan Commission- 11/13/06

Zoning Legend

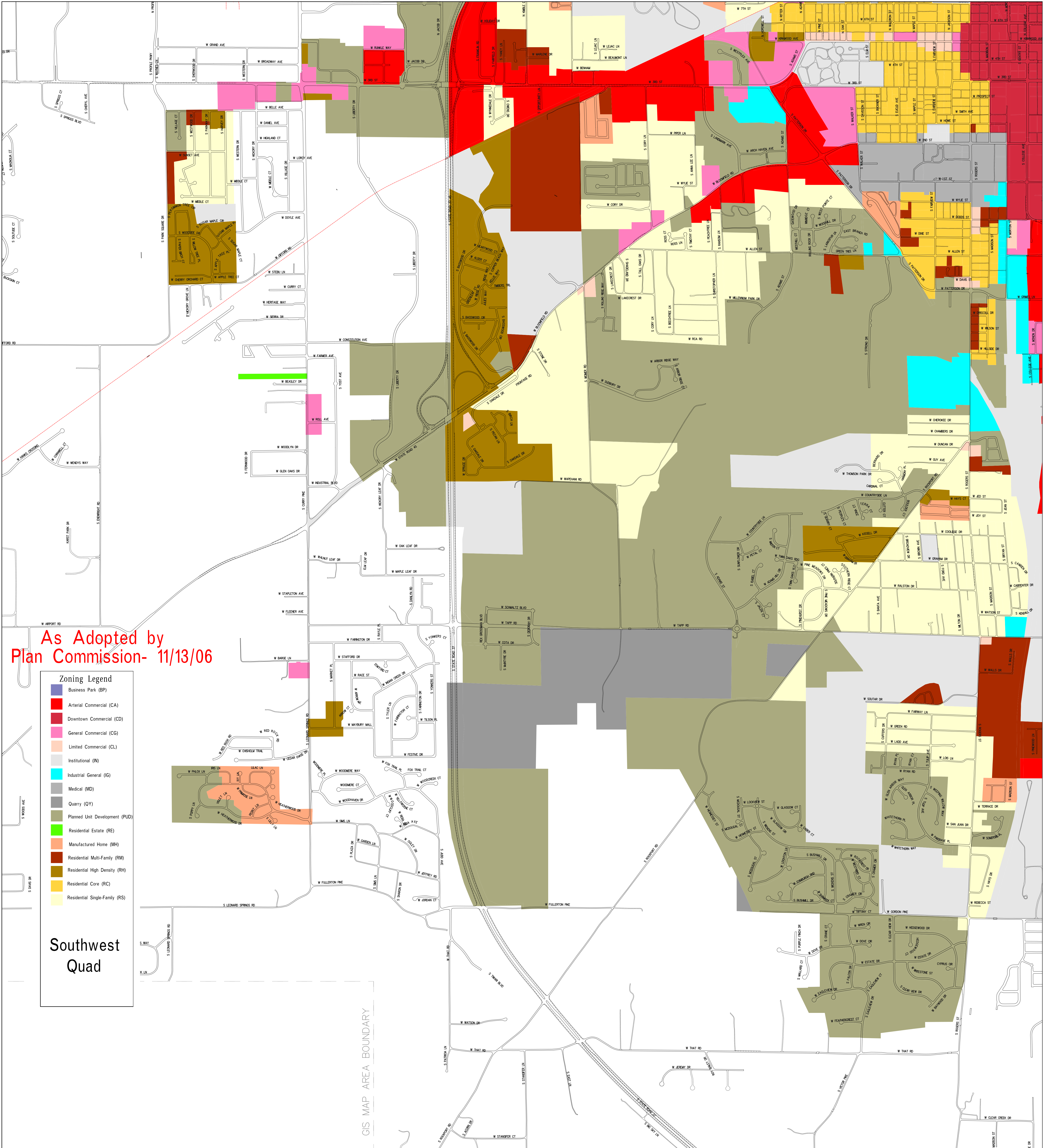
- Business Park (BP)
- Arterial Commercial (CA)
- Downtown Commercial (CD)
- General Commercial (CG)
- Limited Commercial (CL)
- Institutional (IN)
- Industrial General (IG)
- Medical (MD)
- Quarry (QY)
- Planned Unit Development (PUD)
- Residential Estate (RE)
- Manufactured Home (MH)
- Residential Multi-Family (RM)
- Residential High Density (RH)
- Residential Core (RC)
- Residential Single-Family (RS)

**Southeast
Quad**



SCALE: 1 in = 700 ft

TbzquadEP



As Adopted by
Plan Commission- 11/13/06

- Zoning Legend**
- Business Park (BP)
 - Arterial Commercial (CA)
 - Downtown Commercial (CD)
 - General Commercial (CG)
 - Limited Commercial (CL)
 - Institutional (IN)
 - Industrial General (IG)
 - Medical (MD)
 - Quarry (QY)
 - Planned Unit Development (PUD)
 - Residential Estate (RE)
 - Manufactured Home (MH)
 - Residential Multi-Family (RM)
 - Residential High Density (RH)
 - Residential Core (RC)
 - Residential Single-Family (RS)

Southwest
Quad

CIS MAP AREA BOUNDARY

ORDINANCE 06-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “ZONING”,
INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL
CODE, ENTITLED “SUBDIVISIONS”**

APPENDIX C

AMENDMENTS ADOPTED BY THE PLAN COMMISSION:

**SUMMARY SHEET
(WITH ONLY AMENDMENT NUMBER, VOTE, AND
SYNOPSIS)**

PLAN COMMISSION AMENDMENTS

Appendix C – Summary Sheet of Plan Commission Amendments

Am #	Vote	Synopsis
001	11-0	This amendment would provide the Plan Commission with the opportunity to review any Use Variance petition involving multifamily or nonresidential structures. The current UDO draft would limit that review to only new construction of such structures.
002	11-0	This amendment would provide the opportunity for fitness & wellness related uses to be established in the Medical (MD) zoning district, provided that such uses are accessory in nature to a permitted use in the MD zoning district.
003	11-0	This amendment would change the title of the use “junk/salvage yard” to “salvage/scrap yard” in order to use current terminology for such uses.
005	11-0	This amendment would add “dwelling, single-family (attached)” as a permitted use in the Residential High-Density Multifamily (RH) zoning district.
006	11-0	This amendment would allow single-family detached dwellings as a permitted use on lots of record in the Commercial Limited (CL), Commercial General (CG), Commercial Arterial (CA), Commercial Downtown (CD), and Business Park (BP) zoning districts.
007	11-0	This amendment would add upper floor dwelling units as a permitted use in the Medical (MD) zoning district.
009	11-0	This amendment would switch “police, fire or rescue station” from a conditional use to a permitted use in the Medical (MD) zoning district and add this use as a permitted use to the Quarry (QY) zoning district.
011	10-0	This amendment would modify the method of determining building setbacks from the B-Line trail in the Commercial Downtown (CD) zoning district. Specifically, the amendment would eliminate the existing 15 foot setback requirement in the applicable Overlay Districts, and replace it with a building frontage requirement.
012	11-0	This amendment would modify the method by which residential density is regulated in the Downtown Overlay districts of Chapter 3. Specifically, it would change any figures listed as “units per acre” to “bedrooms per acre” in order to provide a more accurate way of gauging the impact of residential development.
013	11-0	This amendment would prohibit the establishment of a Planned Unit Development (PUD) in the Commercial Downtown (CD) zoning district.
014	11-0	<p>This amendment would:</p> <ul style="list-style-type: none"> • Clarify that review of downtown development under the Chapter 3 zoning overlays is a Site Plan Review process; • Expressly incorporate the Site Plan Review standards of <i>Section 20.10.120</i> for both staff and Commission level review in the downtown overlays; • Clarify that projects meeting the specific Development and Architectural Standards of the overlay districts are also subject to the general site plan review standards of Section 20.10.120 but will normally be approved, whether at staff or Commission level; • Clarify the three “triggers” for Plan Commission review under Draft F, and add an additional trigger: (1) Non-compliance with any of the specific overlay standards; (2) inclusion of certain particularly intensive uses (which are listed

		<p>under “Effect on uses” on the left hand page of the two-page layout at the beginning of each overlay district); (3) meeting any of the criteria for plan commission review under the general Site Plan section, which includes Planning Director discretion to send plans involving “infill” development to the Plan Commission for review; and (4) – the added trigger – adjacency to a residential district or use.</p> <ul style="list-style-type: none"> • Clearly articulate the Plan Commission’s two-tiered standard of review, which is: (1) projects meeting the specific overlay standards and the general site plan criteria will normally be approved; (2) projects not meeting one or more standards will be reviewed under the Design Guidelines of the Downtown Plan. <p>In addition, this amendment incorporates a few staff-generated corrections. Only one of these is a substantive change: the amendment would delete “residential dwelling, multifamily- ground floor units” from the list of uses that trigger plan commission rather than staff level review, in the overlays where this use appears. Upon legal review, it was determined that inclusion of this non-permitted use was confusing and inappropriate in this Chapter.</p> <p>The remaining staff amendments are minor changes to language and organization solely for purposes of clarification.</p>
015	9-0	This amendment would clarify the Permitted, Conditional and Excluded Uses lists provided at the beginning of each of the Downtown Overlays in Chapter 3.
017	11-0	This amendment would distinguish the use “gas station” as a separate use from “convenience store (with gas)”. The amendment would insert a definition for “gas station” in Chapter 20.12 and add “gas station” as a permitted use in the CA and CG zoning districts.
018	11-0	This amendment would insert a definition for “High Intensity Retail”, a term used in Chapter 20.03 as a trigger for Plan Commission review of certain Downtown development projects.
019	11-0	This amendment would add setback provisions for properties along the B-Line Trail within the Downtown Edges Overlay (DEO) and Downtown Gateway Overlay (DGO) districts. Currently, although the B-Line Trail runs through these overlay districts, no setback provisions were included in the draft UDO. This amendment corrects that error and proposes the same building frontage requirement that is used in Amendment #11.
020	8-3	This amendment would revise the requirements for pedestrian entrances on building facades along the B-Line Trail in the Commercial Downtown zoning district. Specifically, it would change the current requirement that each ground floor use have an individual entrance on the B-Line trail to a requirement that each structure have a minimum of one pedestrian entrance on the B-Line trail.
021	11-0	This amendment changes the proposed regulation concerning pedestrian entrances. Currently, the proposed UDO requires at least one pedestrian entrance on each building façade facing a public street. On buildings which contain two or more street frontages, it is not always feasible to provide multiple pedestrian entrances. This amendment would simply require pedestrian entrances for building facades exceeding 66 feet in street frontage. This number was chosen because a typical platted lot in the downtown is 66 feet in width.
023	11-0	This amendment clarifies the District Intent language within the Courthouse Square Overlay district. Specifically, the word “historic” in the first intent

		bullet has been deleted and replaced with more specific text. The reason for this change is to clarify that while many buildings within this overlay have been placed on the 2001 Historic Survey, most of these structures have not been designated locally historic.
024	11-0	This amendment clarifies ordinance text concerning upper story windows. Specifically, a question was raised as to whether or not window treatments such as sills and lintils needed only to look distinct from the main exterior building facade, or whether these window treatments needed to have different materials altogether. Since the Planning staff's intent was simply to create visual distinction between window frames and the main building façade, this language has been clarified.
025	11-0	This amendment addresses the permitted uses that would be allowed within the Restaurant Row Corridor of the University Village Overlay. Specifically, the Plan Commission directed the staff to create a lengthy excluded land use list for this very key corridor in the downtown area.
027	11-0	This amendment would clarify that any display of public art being used to satisfy the entrance detailing requirements in the downtown overlay districts must be at a scale where it can be clearly visible and appreciated by pedestrians.
028	11-0	This amendment would increase the minimum required roof pitch for sloped roof structures located in several downtown overlay districts.
029	11-0	This amendment would reduce the height threshold which determines Plan Commission review from 40 feet to 35 feet in the Downtown Edges Overlay District.
031	11-0	This amendment would direct petitioners to consider the existing zoning of a site during the creation of the use list and development standards for a proposed Planned Unit Development.
032	11-0	This amendment would clarify that any time the Common Council approves a Planned Unit Development that received no recommendation or a negative recommendation from the Plan Commission, the Final Plan for that Planned Unit Development must still be approved by the Plan Commission.
033	11-0	This amendment would establish a more formal mechanism whereby the Plan Commission would review, and possibly recommend a rezoning of, an expired PUD Preliminary Plan.
034	11-0	This amendment would provide the ability for the Plan Commission to waive the 5 acre minimum size for Planned Unit Developments.
035	11-0	This amendment would merge and clarify similar purpose statements found within the District Intent section of Chapter 20.04 Planned Unit Development Districts.
036	11-0	This amendment would clarify that the list of Review Considerations provided for Planned Unit Developments does not represent a prioritization of those considerations, and that no individual consideration on that list should be assigned a priority based on its position on the list.
037	10-1	This amendment would add a statement to the Planned Unit Development District Intent section specifying that a Planned United Development should provide a public benefit that would not be possible without deviations from existing development standards.

040	11-0	This amendment would require that “adequate” adjacent on-street parking be available in order for the on-site parking requirement to be reduced for an affordable housing unit.
041	11-0	This amendment would clarify that the AASHTO standards referenced in the <u>Alternative Transportation Standards</u> section are not construction standards.
042	11-0	This amendment would clarify that the Public Works Director has authority over determining when a monolithic curb and sidewalk system should be installed over a more typical sidewalk/tree plot design.
043	11-0	This amendment would add the Board of Public Works as a review authority over transit facilities when such facilities are proposed to be installed within the public right-of-way.
044	11-0	This amendment would change the term “transportation” facility to “transit” facility.
046	11-0	This amendment would exempt covered bicycle parking structures from counting towards the maximum number of accessory structures that are allowed under the Accessory Structure Standards on Page 5-4 of the Unified Development Ordinance.
047	11-0	This amendment would ease the burden that affordable housing units would have in incorporating the same designs and materials as market rate units when both types of units are located within the same development.
048	11-0	This amendment would remove the population density criterion as a standard for evaluating Conditional Use requests for Jails/Prisons/Juvenile Detention facilities.
049	11-0	This amendment would clarify language concerning the required height of signal and remote control conductors being used to support communication towers.
050	11-0	This amendment simply corrects a grammatical error.
051	11-0	This amendment would specify that all driveways shall be constructed to ensure that sidewalks crossing such drives maintain cross-slopes necessary to meet ADA standards.
052	11-0	This amendment would require all new driveway aprons to be constructed of concrete, while allowing both asphalt and concrete surfacing for driveway aprons associated with driveways being enlarged or modified.
053	11-0	This amendment would increase the number of applicable zoning districts where manufactured homes would be required to be placed on permanent foundations. This amendment is necessary due to the fact that manufactured homes are permitted to occur in the same zoning districts as stick-built single family homes.
054	7-4	This amendment would change the specific criteria in the Conditional Use section concerning Historic Adaptive Reuse petitions. Specifically, it would remove the linkage between the granting of this type of Conditional Use and the designation of the applicable property as locally historic.
055	8-3	This amendment addresses the issue of gross versus net density as it would apply to properties zoned RM and RH. Specifically, this amendment would cap the amount of development density that could be utilized on non-environmentally constrained areas which are located in the same development

		as areas being set aside for environmental protection. The existing Zoning Ordinance, which is based on a gross density concept, does not restrict the development density that can be achieved in these areas. This amendment would still allow densities to be increased for these non-environmentally constrained areas but cap density at 1.5 times the zoned density.
056	11-0	This amendment would clarify the definition of a “Geotechnical Consultant” as referenced in the Lake Watershed Areas standards of Chapter 5. This amendment would specify that the Geotechnical Consultant must be a licensed professional engineer.
057	11-0	This amendment would further define “erodible soils”. Specifically, it would tie the definition to the soil descriptions found in the Monroe County Soil Survey.
059	11-0	This amendment would insert the word “other” prior to “BMPs” within the Chapter 5 standards for erosion control for areas of disturbance less than 1 acre in size.
060	11-0	This amendment would explicitly prohibit the filling of sinkholes. Currently, the UDO requires that no disturbance occur within Karst Conservancy Easements, but no specific language addresses the filling of karst features.
061	11-0	This amendment would explicitly prohibit disturbance of slopes greater than 12% within Lake Watershed areas. Currently the UDO would prohibit structures from being built on slopes of 12% or greater, but does not specify any limitations for other disturbance activities on slopes of greater than 12%.
062	11-0	This amendment would clarify language in the Siltation and Erosion Prevention section pertaining to the installation of erosion control measures on development sites. The language would be changed to make it clear that it is the developer’s responsibility to install these measures on the site.
063	11-0	This amendment would insert language in the Floodplain Standards section that prohibits the installation and use of septic systems within the floodplain.
064	8-3	This amendment would exempt smaller parcels, specifically platted lots less than one acre in size, from the proposed 75 foot riparian buffer requirements of the Unified Development Ordinance.
066a	7-2	This amendment would allow both projecting and blade signs within the Commercial Downtown (CD) zoning district, but with specific restrictions to limit the aesthetic impacts of such signs.
067	11-0	This amendment would clarify text concerning allowances for multifamily real estate signs. Currently, the text in 20.05.078(g)(10)(A) of the UDO allows multifamily properties containing at least 15 units to have for sale signs of 32 square feet in area. This same division of the UDO also allows 5 square foot signs to be used for the purpose of advertising units for lease. However, this provision of the UDO is confusing because it seems to contradict the 90-day temporary sign allowances outlined in 20.05.079(a). Since the Planning Department’s intent was to govern units for lease under the 90-day temporary sign allowance, this redundant and confusing text is proposed to be removed.
068	11-0	This amendment corrects a simple grammatical error in the text.
070	11-0	This amendment would not allow driveways constructed for individual single family homes to directly back-out into arterial level streets.
071	11-0	At the request of the City Parks Department, this amendment would reduce the

		street tree planting prohibition area within the Vision Clearance Triangle from 75 feet to 50 feet.
072	11-0	At the request of the City Parks Department, this amendment would require the design of tree grates to conform to ADA standards.
074	9-2	This amendment would create an area in the Commercial Downtown (CD) zoning district where no parking would be required. Specifically, this area would encompass the Courthouse Square Overlay (CSO) district as well as a portion of the Downtown Core Overlay (DCO) south of the City's parking garages. This provision would not preclude a developer from providing parking, but it would not require such spaces for residential development as outlined in the current UDO draft.
075	10-1	This amendment would not allow a sexually oriented business to locate within 500 feet of a shopping center site.
076	9-2	This amendment would allow sexually oriented businesses to be a permitted use within the Industrial General (IG) zoning district.
077	11-0	This amendment would require retaining walls, which are exempt from height limits, to still meet manufacturer's specifications.
078	11-0	This amendment would clarify that the combined height of fences and walls shall not exceed eight feet.
079	11-0	This amendment would add swimming pools to the features which are exempt from the maximum height limits for fences.
080	11-0	This amendment would not regulate the height of fences and walls within the Residential Estate (RE), Quarry (QY), Industrial General (IG), and Institutional (IN) zoning districts.
081	11-0	This amendment would require that development being proposed for poorly drained areas located outside of floodplain areas receive special site plan review attention by the City Utilities Department. Additionally, this amendment clarifies that all site plans shall be subject to compliance with storm water standards.
082	11-0	This amendment would clarify that a petitioner who is attempting to meet the Sustainable Development Practice of providing 25% less parking than required code minimums would not require a zoning variance.
083	11-0	This amendment clarifies that the ¼ mile distance requirements outlined in the Group 3 Sustainable Development Practices must take into account the presence of available pedestrian facilities.
084	11-0	This amendment clarifies the types of mechanical equipment that would be exempt from height requirements but not exempt from screening standards.
085	10-1	This amendment would require the provision of alternative transportation facilities for site plans associated with Home Occupation requests.
086	11-0	This amendment would increase the clearance requirements for landscaping.
087	11-0	This amendment would require the Utilities Department to review landscaping plans in order to ensure that there are no conflicts between the location of proposed landscaping and utility lines.
088	11-0	This amendment would add "traffic control signs" to the list of features which would require a minimum 10-foot separation for street tree planting.
089	11-0	This amendment would remove unnecessary references to "irrigation systems"

		in the Landscaping section of the proposed UDO. Requirements for irrigation systems were deleted from the draft UDO prior to its consideration by Plan Commission.
090	11-0	This amendment would clarify that in order for development to be permitted, proposed on-site public improvements must conform to City design and construction standards. Current language does not specify whether on-site or off-site improvements must be in compliance in order for development to be permitted.
091	11-0	This amendment would add the word “distance” to the language regulating accessory structure setbacks from private streets in order to clarify the regulation.
092	11-0	This amendment would replace “larger” with “width” to clarify the method of measurement of accessory structure setbacks where existing right-of-way exceeds what the Master Thoroughfare Plan would require.
093	11-0	This amendment would clarify that land with slope in excess of fifteen percent (15%) may not be used for pasture purposes.
094	11-0	This amendment would clarify the intent of the “initial marketing period” that a model home may be displayed for as a part of a development project. It would change the language to allow model homes to be displayed on a development site until all home sites are sold.
097	11-0	This amendment would delete the illustrative graphic depicting cul-de-sacs from the section detailing standards for Traditional Subdivisions.
098	11-0	This amendment would create a density transition requirement for Conservation Subdivisions. Specifically, while the Conservation Subdivision would allow concentrations of density in a small portion of the overall site, this amendment would provide for a “step-down” of density to more closely match development densities adjacent to the subdivision.
099	10-1	This amendment would change the minimum lot size reductions permitted under the Conservation Subdivision and Traditional Subdivision options. The UDO proposes to allow lot size reductions to a minimum of 5,000 square feet. This amendment would allow reductions to a minimum of 4,200 square feet.
100	11-0	This amendment would clarify the listings of prohibited exterior building materials provided for each Downtown Overlay in Chapter 20.03 of the UDO. The listing of “Smooth-faced block or split-faced block;” would be clarified to apply to cement block only, so as not to include natural stone block such as limestone.
102	11-0	This amendment would provide more specific requirements for architectural illustrations submitted as supportive material for PUD Preliminary Plan applications.
103	9-2	This amendment would give the Plan Commission more latitude in determining whether a site plan or subdivision complies with the Sustainable Development Practices contained in both Chapter 5 and Chapter 7 of the Unified Development Ordinance. Such compliance must be determined prior to the awarding of incentives contained in the UDO. Several Plan Commissioners were concerned that a site plan or subdivision proposal could meet the various Sustainable Development Practices contained in Chapter 5 and Chapter 7

		without resulting in a project that meets the community's expectations concerning sustainable development. This amendment makes the Plan Commission's decision-making more discretionary.
105	11-0	This amendment would require tree preservation easement boundaries to be placed 10 feet outside of the drip lines of individual trees and clusters of vegetation. This amendment would allow for better protection of root zones and give more room for future tree growth.
106	11-0	This amendment would increase the corner radius for alley intersections with public streets from 6 feet to 10 feet.
107	11-0	This amendment would clarify text concerning the arterial street buffer requirements of the UDO. In this case, the text has been corrected to state that a combination of walls and landscaping must be provided for at least 75% of the lineal frontage of a subdivision along an arterial street.
108	11-0	This amendment would add alley/alley intersections to the list of intersections that must have radius requirements.
109	11-0	This amendment would specify that on-street parking spaces located at the end of a row of spaces can be two feet shorter than typically required.
110	11-0	This amendment would note that on-street parking bump-outs should not be installed at 90 degree angles perpendicular to street curbs in order to allow for easier street sweeping maintenance.
111	11-0	This amendment would require turnaround areas to facilitate emergency service vehicle movement until stub streets are further extended. Because the nature of these areas is to be temporary, surfacing requirements are reduced.
112	11-0	This amendment would clarify that no parking is allowed in "eyebrow" street areas.
113	9-0	This amendment would require Conservation Subdivisions to have sidewalks on both sides of all streets.
114	11-0	This amendment would clarify that, in addition to the delineated wetland itself, any required wetland buffer area should also be placed within easements and common areas on Final Plats.
115	11-0	This amendment would delete the incentives dealing with additional density allowance from the Sustainable Development Incentives section of Chapter 20.07. Since development density for subdivisions is determined by lot sizes, incentives that provide additional residential units per acre are not applicable.
116	10-0	This amendment would increase the open space requirements for Conventional Subdivisions by adding an additional 5% to each of the existing open space tiers.
117	11-0	This amendment would add a new type of easement called "Tree Conservation Easement" to the list of easement types provided in Chapter 20.07 of the UDO. This easement would prohibit the removal of any trees, regardless of size.
118	11-0	This amendment would provide more specific requirements for architectural illustrations submitted as supportive material for Site Plan Review applications.
120	11-0	This amendment would add a cross reference to Chapter 20.10 that links to the neighborhood meeting requirements for Planned Unit Development Preliminary Plans. It would also provide the option for staff to require neighborhood meetings for other types of approvals should it be deemed necessary.

122	11-0	This amendment would provide the City Engineering Department the ability to require traffic studies as a part of the application materials for Site Plan Review.
123	11-0	This amendment would revise the Intent statement for Grading Permits to indicate that the purpose of Grading Permits is broader than only protecting the waterways of Bloomington and surrounding areas.
124	11-0	This amendment would add a provision to Chapter 20.04 Planned Unit Developments that establishes a mechanism for Plan Commission review of any PUD where final plans for the entire PUD have not been approved since the approval of the Preliminary Plan.
125	8-1	This amendment would delete Accessory Dwelling Units (ADU) from the proposed UDO. Currently, ADU are proposed to be allowed through a Conditional Use process in the RE, RS, RC, and RM zoning districts.
126	10-0	This amendment would change the PUD Preliminary Plan abandonment standards. It would specify that the Preliminary Plan is considered abandoned after 2 years (rather than 3 years) without a Final Plan approval, and would allow the Plan Commission to grant a Preliminary Plan extension of up to 180 days (rather than 12 months).
131	7-2	This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that residential developments provide both covered bicycle parking and bicycle storage lockers. The justification for this amendment request is that there is a significant cost burden associated with providing these types of facilities. If this amendment is approved, multifamily developments would still be required to provide one bicycle parking space per six bedrooms. However, all bicycle parking spaces would be uncovered, Class II facilities.
132	9-0	This amendment would double the wall signage allotment for first floor uses in the Commercial Downtown zoning district. The allotment would change from 1 square foot per lineal foot of tenant façade width to 1.5 square feet per lineal foot of tenant façade width.
134	11-0	This amendment would allow the higher fine amounts for second and subsequent offenses to be invoked where the repeat violation occurs at a different location, and would also clarify that the fines listed in the table are doubled each time an offense is repeated (up to the statutory maximum of \$7,500) for third and subsequent offenses as well as for the second offense.
135	8-2	This amendment would raise the proposed fine for erecting a temporary sign without a permit to \$100 (currently \$50), and would raise the proposed fine for erecting a permanent sign without a permit to \$250 (currently \$100).
136a	8-1	This amendment would provide Planning Department staff with the ability to give warnings prior to the issuance of Notices of Violation (NOV) for zoning enforcement cases.
137	11-0	This amendment would add “property manager” to the list of individuals considered a responsible party for the purposes of issuing Notices of Zoning Violation in conjunction with the enforcement procedures outlined in Chapter 20.11.
138	11-0	This amendment would remove the option of posting a Notice of Violation “in

		a conspicuous place on the property” as a method of delivering the NOV to the responsible party. It would leave personal delivery and first class mailing as the two NOV delivery options.
139	11-0	This amendment would add a definition of “Trailer”, cross-referenced to the definition of “Dwelling, Mobile Home”.
140	11-0	This amendment would clarify the definition of “Cementitious Siding” to refer to both the shape and appearance of wood.
142	11-0	This amendment would add mechanical equipment to the list of features exempt from the definition of building height.
143	11-0	This amendment clarifies the definition of “lumen” contained in Chapter 12.
144	11-0	This amendment adds the <i>Alternative Transportation and Greenways System Plan</i> to the list of planning documents which comprise the Growth Policies Plan. Further, this amendment provides additional definitions for different types of alternative transportation facilities.
145	11-0	This amendment provides a definition for the <i>2001 City of Bloomington Survey of Historic Sites and Structures</i> .
146	11-0	This amendment corrects a grammatical error in the definition of “common area.”
147	11-0	This amendment deletes the reference to “agricultural” resources within the definition of conservancy easement. Agricultural lands are uncommon in the City and, to date, have not been considered a resource associated with conservancy easement protection.
149	11-0	This amendment broadens the definition of “storage tanks” to include both above and below ground facilities.
150	11-0	This amendment better links the definition of “vision clearance triangle” to the Vision Clearance Standards found on Page 5-93 of the UDO.
151	11-0	This amendment removes reference to the term “dead-end” in the definition of Stub Street.
152 (Map)	7-2	This amendment, which was requested by the Near West Side Neighborhood Association, would eliminate the Commercial Downtown (CD) zoning proposed for four properties located at 221 North Rogers Street, 215 North Rogers Street, 502 West 6 th Street/207 North Rogers Street, and 508 West 6 th Street. Land uses at these addresses include two rehabilitative facilities and three registered multifamily rentals. All of the structures in question are protected by the City’s Demolition Delay Ordinance. Please see the attached maps for both the current and proposed zoning designations for these properties.
153b (Map)	9-0	This amendment, which was requested by the Old Northeast Neighborhood Association, would alter the proposed zoning for the properties located in the area bounded by 12 th Street to the north, Indiana Avenue to the east, the east-west alley north of 10 th Street to the south, and Grant Street to the west. Maps showing existing zoning, proposed zoning, and registered rentals with unit counts have been included as attached.
154 (Map)	6-2	This amendment, which was requested by the Bryan Park Neighborhood Association, would delete the Residential Multifamily (RM) for properties

		located in two areas along South Washington Street (please see the attached map exhibits that outline current zoning, proposed zoning, and registered rental/residential unit counts in these two areas).
154a	8-0	This amendment, which was requested by the Bryan Park Neighborhood Association, would delete the Industrial General (IG) zoning for a subject area located at the southwest corner of Hillside Drive and South Huntington Drive. The amendment also deletes the IG zoning for a second subject area, an apartment complex building located at 846-852 East Hillside Drive. The attached maps indicate the IG zoning for these subject areas can be scaled back in favor of residential zoning.
157	11-0	This amendment would allow the Plan Commission to require the submittal of three-dimensional models in order to better evaluate massing compatibility of development projects proposed for the Commercial Downtown zoning district.
158	10-0	This amendment, which was originally brought forward by the Chamber of Commerce, would define the “Courthouse Square” area to clarify which buildings should be considered to be facing the square.
159	10-0	This amendment would allow similar density bonuses in the Affordable Housing Standards section of Chapter 5 as those outlined in the Green Development Standards section of the same chapter. This amendment also provides the option for the City’s Utilities Service Board to waive sewer hook-on fees for affordable housing projects.
160	11-0	This amendment would clarify the proposed requirements for fire sprinkler systems within Downtown structures that contain dwelling units above the first floor.
161	11-0	<p>This amendment addresses responsibility of lot owners for maintaining commonly owned drainage facilities in the event the owners’ association becomes insolvent, dissolves, or is otherwise unable or unwilling to maintain the facilities. This amendment also makes other changes to the Facilities Plan Standards section to:</p> <ul style="list-style-type: none"> • add the CI (Commercial/Industrial) subdivision type to coverage by the Facilities Plan section; • delete and/or reword several references to “residential” in order to apply the section to common facilities in commercial/industrial subdivisions as well as in residential subdivisions; and • clarify the type of drainage facilities that are subject to the Facilities Plan requirements. <p>Finally, this amendment clarifies the Storm Water Standards section by adding cross-references to the facilities plan and easement requirements where applicable.</p>
162	11-0	This amendment would clarify when dry hydrants must be provided, and state the specifications to which they must be built.
163 (Map)	9-0	This amendment would revise the proposed zoning for certain properties located generally between Jackson Creek, Snoddy Road, and Rhorer Road. Maps showing existing zoning and proposed UDO zoning for the subject parcels have been included as attached.

164 (Map)	8-2	This amendment would revise the proposed zoning for certain properties located generally at the southwest corner of Hillside Drive and Henderson Street. Maps showing existing zoning and proposed UDO zoning for the subject parcels have been included as attached.
165 (Map)	11-0	This amendment would revise the proposed zoning for two properties containing the development known as “The Arbors” on the south side of Moores Pike, opposite Clarizz Boulevard. This development was approved as a PUD in 1994, but this designation was incorrectly left off of the proposed UDO zoning map. A map showing the proposed UDO zoning for the subject parcels have been included as attached.
166	11-0	This amendment would revise multiple sections of the proposed UDO to correct errors and clarify certain language.
167 (Map)	11-0	This amendment would revise the proposed zoning for portions of a property located on the east side of North Walnut Street, north of 20 th Street. An error on the proposed UDO zoning map caused the zoning line to not follow the property line of the subject parcel. This amendment would shift the zoning line to match the property line so that the entire parcel is under the appropriate zoning district. A map showing the proposed UDO zoning for the subject parcel has been included as attached.

Amendment #: UDO-001

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide the Plan Commission with the opportunity to review any Use Variance petition involving multifamily or nonresidential structures. The current UDO draft would limit that review to only new construction of such structures.

Amendment:

Page 1-14

20.01.340(a)

- (4) To hear, review and make recommendations to the Board of Zoning Appeals on Use Variance petitions involving ~~new construction of multifamily or nonresidential structures~~ **uses**.

Page 10-15

20.10.140

- (d) Plan Commission Review: The Plan Commission shall review and make recommendations to the Board of Zoning Appeals on any Use Variance petition that involves ~~new construction of multifamily or nonresidential structures~~ **uses**.

Amendment #: UDO-002

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide the opportunity for fitness & wellness related uses to be established in the Medical (MD) zoning district, provided that such uses are accessory in nature to a permitted use in the MD zoning district.

Amendment:

Page 2-28

20.02.540 Permitted Uses

- fitness center/gym*
- fitness/training studio*

Page 5-88

20.05.### SC-## [Special Conditions; Fitness Center/Gym and Fitness/Training Studio]

This Special Conditions Standards section applies to the following zoning districts:

[MD]

- (a) Accessory Uses: All Fitness Center/Gym and Fitness/Training Studio uses shall be accessory to the primary use on a site. A Fitness Center/Gym or Fitness/Training Studio use shall not be permitted as a primary use on a site.

Amendment #: UDO-003

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would change the title of the use “junk/salvage yard” to “salvage/scrap yard” in order to use current terminology for such uses.

Amendment:

Page 2-22

20.02.430 Conditional Uses

- ~~junk~~/salvage/scrap yard

Page 5-65

20.05.069(h)(1)

Vehicles and Trailers: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited unless completely enclosed within a building or within an approved ~~junk~~/salvage/scrap yard.

Page 5-70

20.05.074 Exhibit PK-A [Required Number of Parking Spaces by Land Use]

~~junk~~/salvage/scrap yard

Page 12-20

12.12.020 Defined Words

Impound Vehicle Storage: A lot or part thereof used only for the temporary outdoor storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. The term “*Impound Vehicle Storage*” does not include “~~Junk~~/Salvage/Scrap Yard,” except where separately permitted.

Page 12-21

12.12.020 Defined Words

Junk/Salvage/Scrap Yard: A facility, usually outdoors, where waste or scrap materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled, including, but not limited to, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, scrap iron and other metals, paper, plastics, glass, rags or tires. Where such materials are a by-product of a permitted use, such activity shall be considered “*Outdoor Storage*,” as defined and permitted separately in this Unified Development Ordinance.

Page 12-32

12.12.020 Defined Words

Salvage Yard: See “~~Junk~~/Salvage Yard.”

Page 12-38

12.12.020 Defined Words

Class of Use Table

~~junk~~/salvage/**scrap** yard

Amendment #: UDO-005

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add “dwelling, single-family (attached)” as a permitted use in the Residential High-Density Multifamily (RH) zoning district.

Amendment:

Page 2-10

20.02.180 Permitted Uses

- dwelling, single-family (attached)

Amendment #: UDO-006

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would allow single-family detached dwellings as a permitted use on lots of record in the Commercial Limited (CL), Commercial General (CG), Commercial Arterial (CA), Commercial Downtown (CD), and Business Park (BP) zoning districts.

Amendment:

Page 2-14

20.02.260 Permitted Uses

- dwelling, single-family (detached)*

Page 2-16

20.02.300 Permitted Uses

- dwelling, single-family (detached)*

Page 2-18

20.02.340 Permitted Uses

- dwelling, single-family (detached)*

Page 2-20

20.02.380 Permitted Uses

- dwelling, single-family (detached)*

Page 2-24

20.02.460 Permitted Uses

- dwelling, single-family (detached)*

Page 5-88

20.05.095 SC-10 [Special Conditions; Dwelling, Single-family Detached]

This Special Conditions Standards section applies to the following zoning districts:

[RM] [RH] [CL] [CG] [CA] [CD] [BP]

- (a) Dwelling, Single-family Detached: Single-family detached dwelling units shall be permitted only on lots of record lawfully established before the effective date of this Unified Development Ordinance.

Amendment #: UDO-007

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add upper floor dwelling units as a permitted use in the Medical (MD) zoning district.

Amendment:

Page 2-28

20.02.540 Permitted Uses

- dwelling, upper floor units

Amendment #: UDO-009

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would switch “police, fire or rescue station” from a conditional use to a permitted use in the Medical (MD) zoning district and add this use as a permitted use to the Quarry (QY) zoning district.

Amendment:

Page 2-28

20.02.540 Permitted Uses

police, fire, or rescue station

Page 2-28

20.02.550 Conditional Uses

~~police, fire, or rescue station~~

Page 2-30

20.02.580 Permitted Uses

police, fire, or rescue station

Amendment #: UDO-011

Date: November 17, 2006

Plan Commission Vote: 10:0

Synopsis:

This amendment would modify the method of determining building setbacks from the B-Line trail in the Commercial Downtown (CD) zoning district. Specifically, the amendment would eliminate the existing 15 foot setback requirement in the applicable Overlay Districts, and replace it with a building frontage requirement.

Amendment:

Courthouse Square

Page 3-6

20.03.050(a)(3)(D)

- (ii) For new development adjacent to the B-Line Trail, ~~any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right of way edge a~~ maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the trail right-of-way.

Downtown Core

Page 3-11

20.03.120(a)(3)(D)

- (ii) For new development adjacent to the B-Line Trail, ~~any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right of way edge a~~ maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the trail right-of-way.

Showers Technology Park

Page 3-32

20.03.400(a)(3)(D)

- (ii) For new development adjacent to the B-Line Trail, ~~any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right of way edge a~~ maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the trail right-of-way.

Amendment #: UDO-012

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would modify the method by which residential density is regulated in the Downtown Overlay districts of Chapter 3. Specifically, it would change any figures listed as “units per acre” to “bedrooms per acre” in order to provide a more accurate way of gauging the impact of residential development.

Amendment:

Courthouse Square

Page 3-5

20.03.040(a)

(1) *Maximum Residential Density:* ~~60 units/acre~~ 100 bedrooms/acre.

Page 3-8

20.03.060

(a) Residential Dwelling, Upper Floor Units: Above ~~10 units~~ 30 bedrooms.

Downtown Core

Page 3-11

20.03.110(a)

(1) *Maximum Residential Density:* ~~60 units/acre~~ 180 bedrooms/acre.

Page 3-13

20.03.130

(a) Residential Dwelling, Multifamily: Above ~~40 units~~ 100 bedrooms.

University Village

Page 3-17

20.03.180(a)

(1) *Maximum Residential Density:* ~~30 units/acre~~ 100 bedrooms/acre.

Page 3-20

20.03.200

(a) Residential Dwelling, Upper Floor Units: Above ~~20 units~~ 50 bedrooms.

Downtown Edges

Page 3-23

20.03.250(a)

(1) *Maximum Residential Density:* ~~20 units/acre~~ 60 bedrooms/acre.

Page 3-25

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

20.03.270

- (a) Residential Dwelling, Upper Floor Units: Above ~~10 units~~ 30 bedrooms.

Downtown Gateway

Page 3-27

20.03.320(a)

- (1) *Maximum Residential Density:* ~~45 units/acre~~ 100 bedrooms/acre.

Page 3-29

20.03.340

- (a) Residential Dwelling, Upper Floor Units: Above ~~10 units~~ 30 bedrooms.

Showers Technology Park

Page 3-31

20.03.390(a)

- (1) *Maximum Residential Density:* ~~15 units/acre~~ 45 bedrooms/acre.

Page 3-33

20.03.410

- (a) Residential Dwelling, Upper Floor Units: Above ~~10 units~~ 30 bedrooms.

Amendment #: UDO-013

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would prohibit the establishment of a Planned Unit Development (PUD) in the Commercial Downtown (CD) zoning district.

Amendment:

Page 4-2

20.04.030 Qualifying Standards

(c) A Planned Unit Development may be established in any zoning district except for the Commercial Downtown (CD) zoning district.

Amendment #: UDO-014

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would:

- Clarify that review of downtown development under the Chapter 3 zoning overlays is a Site Plan Review process;
- Expressly incorporate the Site Plan Review standards of **Section 20.10.120** for both staff and Commission level review in the downtown overlays;
- Clarify that projects meeting the specific Development and Architectural Standards of the overlay districts are also subject to the general site plan review standards of Section 20.10.120 but will normally be approved, whether at staff or Commission level;
- Clarify the three “triggers” for Plan Commission review under Draft F, and add an additional trigger: (1) Non-compliance with any of the specific overlay standards; (2) inclusion of certain particularly intensive uses (which are listed under “Effect on uses” on the left hand page of the two-page layout at the beginning of each overlay district); (3) meeting any of the criteria for plan commission review under the general Site Plan section, which includes Planning Director discretion to send plans involving “infill” development to the Plan Commission for review; and (4) – the added trigger – adjacency to a residential district or use.
- Clearly articulate the Plan Commission’s two-tiered standard of review, which is: (1) projects meeting the specific overlay standards and the general site plan criteria will normally be approved; (2) projects not meeting one or more standards will be reviewed under the Design Guidelines of the Downtown Plan.

In addition, this amendment incorporates a few staff-generated corrections. Only one of these is a substantive change: the amendment would delete “residential dwelling, multifamily- ground floor units” from the list of uses that trigger plan commission rather than staff level review, in the overlays where this use appears. Upon legal review, it was determined that inclusion of this non-permitted use was confusing and inappropriate in this Chapter.

The remaining staff amendments are minor changes to language and organization solely for purposes of clarification.

NOTE: The draft below shows changes only to the Courthouse Square (CSO) Overlay District. If this amendment is approved, staff will make the necessary revisions to the remainder of Chapter 3 (20.03) for Commission review prior to final action on the UDO. The necessary changes that are not shown below would be parallel and without any substantive difference from the changes that are shown below.

Amendment:

Amends various sections throughout Chapter 20.03

Pages: 3-4 through 3-34

20.03.010 District Intent

The Courthouse Square Overlay (CSO) District is intended to guide both new development and redevelopment activities as follows:

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- Ensure that new development is compatible in mass and scale with historic structures in the Courthouse Square Character Area.
- Provide a diverse mix of traditional commercial retail uses at the street level to capitalize, maintain, and enhance the pedestrian activity generated by the CSO District.
- Visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings that are two to four stories in height.
- Preserve historic structures to maintain the integrity and heritage of the downtown.

20.03.020 Review Process

Review by Planning Staff:

Planning Staff shall review any proposal that complies with all of the standards in *Section 20.03.050 : Development Standards* and *Section 20.03.060: Architectural Standards*, except where the Proposal meets one of the criteria for Plan Commission Review in this Section.

Review by Plan Commission:

The Plan Commission shall review:

- Any proposal identified for Plan Commission review in *Subdivision 20.10.120(E)(1)(A): Site Plan Review Process, Plan Commission*;
- Any proposal that does not comply with all of the standards of *Section 20.03.050: Development Standards* and *Section 20.03.060: Architectural Standards*;
- Any development that includes any of the following uses:
 - Residential Dwelling, Upper Floor Units: Above 30 bedrooms.
 - Retail, High Intensity: Greater than 15,000 square feet gross floor area.
 - Parking Garage/Structure: As a primary use; and
- Any proposal adjacent to a residentially zoned district or a residential use.

20.03.30 Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Development Standards* and *Section 20.03.060: Architectural Standards*; and,
- Complies with all review standards of *Section 20.10.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Development Standards* and *Section 20.03.060: Architectural Standards*; and complies with all review standards of *Section 20.10.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.050: Development Standards* and *Section 20.03.060: Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.10.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.070: Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.

20.03.040 020 Effect on Uses

Permitted Uses:

* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- Unless excluded below, all uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the CSO District.

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- dwelling, upper floor units*

Conditional Uses:

- Unless excluded below, all uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the CSO District.

Excluded Uses:

- assisted living facility
- convenience store (with gas)
- dwelling, multifamily
- medical care clinic, immediate

20.03.030 Effect on Standards

Development Standards:

- All developments that meet the standards in Section 20.03.040: Development Standards will be reviewed by the planning staff, except as indicated in Subsection 20.03.040(b): Height Standards. Any development that does not meet these standards will be reviewed by the Plan Commission as described in Section 20.03.060: Plan Commission Review.

Architectural Standards:

- All developments that meet the standards in Section 20.03.050: Architectural Standards will be reviewed by the planning staff. Any development that does not meet these standards will be reviewed by the Plan Commission as described in Section 20.03.060: Plan Commission Review.
- These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

Design Guidelines:

- The Plan Commission shall consider the Design Guidelines detailed in Section 20.03.070: Design Guidelines in its review of any project in the CSO district. The Plan Commission may approve projects that do not meet the specific standards of Section 20.03.040: Development Standards and Section 20.03.050: Architectural Standards, but are consistent with the design guidelines in Section 20.03.070: Design Guidelines.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.

20.03.050 040 Development Standards

(a) Density & Intensity Standards:

- (1) Maximum Residential Density: 60 units/acre.
- (2) Maximum Impervious Surface Coverage: 100%.

(b) Height Standards:

- (1) General:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) Buildings Facing the Courthouse Square:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(3) Review Thresholds:

(A) General:

- (i) ~~Planning Staff: Any proposed building with a height of at least twenty five (25) feet and no greater than fifty five (55) feet shall be reviewed by the planning staff.~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- ~~(ii) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding fifty-five (55) feet shall be reviewed by the Plan Commission.~~
 - ~~(B) Buildings Facing the Courthouse Square:~~
 - ~~(i) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet, and no greater than forty (40) feet shall be reviewed by the planning staff.~~
 - ~~(ii) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding forty (40) feet shall require Plan Commission approval.~~
- (c) Parking Standards:
 - (1) Minimum Surface Parking Setback:
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.
 - (2) Residential Parking Standards:
 - (A) For the first ten (10) bedrooms, no parking shall be required.
 - (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.
 - (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.
 - (3) Nonresidential Parking Standards: No parking spaces required.
- (d) Building Setback Standards: **Except as otherwise provided in this Unified Development Ordinance, building setback standards are:**
 - (1) Build-to Line: 0 feet. ~~except for façade modulations as required by Subdivision 20.03.050(c)(1)(B)~~
 - (2) Maximum Front Setback: n/a.
 - (3) Minimum Side Setback: 0 feet; additional setback may be required per local building code.
 - (4) Minimum Rear Setback: 0 feet; additional setback may be required per local building code.

20.03.060 050 Architectural Standards

These architectural standards shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

- (a) Site Plan:
 - (1) Building Frontage: A minimum of ninety percent (90%) of the building façade facing the street shall be constructed at the build-to line.
 - (2) Building Alignment: New buildings located immediately adjacent to the side of an Outstanding, Notable, and/or Contributing structure as identified in the Indiana Historic Sites & Structures Inventory: City of Bloomington Interim Report 2002 shall align their respective façades to match the front setback established by the surveyed structure rather than the required build-to line.
 - (3) Building Orientation and Entrances:
 - (A) For all buildings, any façade facing a public street shall be considered a primary façade.
 - (B) A minimum of one (1) pedestrian entrance shall be provided on each **primary building** façade. ~~facing a public street.~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.
- (D) B-Line Trail:
 - (i) A well-defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail.
 - (ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.
- (4) Street Trees: Street Trees shall be planted as required in Chapter 20.05; §LA: Landscaping Standards in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate as approved by the City Urban Forester.
- (5) Lighting:
 - (A) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works and shall follow the following standards:
 - (i) Height: Pedestrian-scale street lights shall be less than fifteen (15) feet high.
 - (ii) Design: Traditional design styles such as gas lamp, acorn, or similar decorative style of street light shall be used.
 - (B) All exterior building lighting shall comply with Chapter 20.05; §LG: Lighting Standards.
- (6) Mechanical Equipment and Service Areas: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays, and recycling storage areas shall be screened from public view using the following measures:
 - (A) Mechanical equipment and service areas shall be located at the rear of the building, along an alley façade or on the building rooftop;
 - (B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices, and/or landscaping; and
 - (C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.
- (b) Architectural Character:
 - (1) Roofs or Building Caps: Building caps may use different materials, detailed limestone carvings, and/or a cornice integrated with the roof form and downspouts/gutters for storm water diversion to further define the building cap.
 - (A) Design: Buildings shall incorporate flat roofs with parapets.
 - (B) Height: In no case shall a parapet height exceed fifteen percent (15%) of the supporting wall height.
 - (2) Void-to-Solid Percentage:
 - (A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries, and doors shall comprise a minimum of eighty-five percent (85%) of the total wall/façade area of the first floor façade/elevation facing a street.
 - (B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street but shall not exceed a maximum of seventy percent (70%) of the wall/façade area of each floor above the first floor façade facing a street.
 - (3) Windows:
 - (A) All windows shall be transparent and shall not make use of dark tinting or reflective glass

Highlighted text denotes text to be added

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- (B) First Floor Windows:
 - (i) Large display windows shall be used along all first floor façades facing a street.
 - (ii) Display windows shall incorporate transom windows and window bases/kickplates.
 - (iii) A frieze or sign band shall be incorporated above first floor display windows.
- (C) Upper Story Windows:
 - (i) Window frame heights shall be a minimum of one and one-half (1.5) times the window frame width.
 - (ii) Window frames shall incorporate window sills and lintels and/or window heads comprised of materials that are visually distinct from the primary exterior finish materials used on the respective façades.
 - (iii) Windows forms/types shall be visually different ~~from~~ than the display window forms/types used on the first floor and shall have the visual appearance of double hung windows that are punched into the wall surface.
- (4) Materials:
 - (A) All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.
 - (B) The following materials shall not be used as primary or secondary exterior finish materials:
 - (i) Wood;
 - (ii) Exterior Insulation Finish System (EIFS);
 - (iii) Smooth-faced block or split-faced block;
 - (iv) Vinyl;
 - (v) Metal;
 - (vi) Cementitious siding; and
 - (vii) Precast concrete.
- (5) Vertical and Horizontal Design:
 - (A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle, and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.
 - (B) Horizontal elements shall visually align with similar horizontal design elements of adjacent historic structures.
 - (C) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building façade focal points.
- (6) Entrance Detailing: The primary pedestrian entrance for a building shall be designed as follows:
 - (A) Entrance shall be recessed a minimum of four (4) feet from the building façade.
 - (B) Entrance shall incorporate a prominent building address, building name, and exterior lighting.
 - (C) The entrance shall also incorporate one (1) or more of the following features:
 - (i) Canopy or awning;
 - (ii) Pilasters or façade modules;
 - (iii) Public art display;
 - (iv) Raised corniced entryway parapet.
- (c) Mass, Scale and Form:

Highlighted text denotes text to be added

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- (1) Building Façade Modulation: Façade modulation **is required and** shall be incorporated **through recessing and** through banding and/or articulation of exterior materials **or and** change of materials by incorporating repeating patterns, textures, and/or colors used on exterior façade materials.
 - (A) Building facades with street frontage shall utilize a maximum façade width interval of fifty (50) feet for a façade module.
 - (B) The building façade module **shall be offset by a minimum** depth (projecting or recessing) **shall be a minimum** of three percent (3%) of the total façade length, **and the offset shall extend the length of its module.**
- (2) Building Height Step Down: Buildings located immediately adjacent to the side of Outstanding, Notable, and Contributing structures as identified in the Indiana Historic Sites & Structures Inventory: 2002 City of Bloomington Interim Report shall incrementally step down upper stories at each respective façade module to within one (1) story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

20.03.060 Plan Commission Review

Any development that does not comply with ~~Section 20.03.020: Effect on Uses, Section 20.03.040: Development Standards, Section 20.03.050: Architectural Standards~~ or meets one of the thresholds listed below, shall be reviewed by the Plan Commission. In such cases, the proposed development shall comply with, and shall be reviewed in accordance with, ~~Section 20.03.070: Design Guidelines.~~

- (a) ~~Residential Dwelling, Upper Floor Units: Above 10 units.~~
- (b) ~~Residential Dwelling, Multifamily: Ground floor units.~~
- (c) ~~Retail, High Intensity: Greater than 15,000 square feet gross floor area.~~
- (d) ~~Parking Garage/Structure: As a primary use.~~

20.03.070 Design Guidelines

To further supplement the determination of compliance with the Design Guidelines, the Plan Commission shall use the Downtown Vision & Infill Strategy Plan as the primary source of guidance for Site Plan approval requests. Sections of the Downtown Vision & Infill Strategy Plan applicable to the CSO District are as follows; however, other material contained in the Downtown Vision & Infill Strategy Plan may be used for the determination of design guideline compliance:

In reviewing proposals under this Chapter, the Plan Commission shall consider the following Sections of the Downtown Vision & Infill Strategy Plan that are expressly applicable to the CSO District, and may consider such other material contained in the Downtown Vision & Infill Strategy Plan as the Commission considers relevant to its review:

- (a) Site Plan: Guidelines 3.1 and 3.2.
- (b) Architectural Character: Guidelines 3.3 and 3.4.
- (c) Mass, Scale, and Form: Guidelines 3.5, 3.6, 3.7, 3.8, and 3.9.
- (d) Exterior Building Materials: Guidelines 3.10, 3.11, and 3.12.
- (e) Upper Story Windows: Guidelines 3.13 and 3.14.
- (f) Entries: Guidelines 3.15 and 3.16.
- (g) Pedestrian Interest: Guidelines 3.17, 3.18, and 3.19.
- (h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22, and 3.23.
- (i) Parking Structures: Guidelines 3.24 and 3.25.
- (j) Lighting: Guidelines 3.26, 3.27, and 3.28.

Amendment #: UDO-015

Date: November 17, 2006

Plan Commission Vote: 9:0

Synopsis:

This amendment would clarify the Permitted, Conditional and Excluded Uses lists provided at the beginning of each of the Downtown Overlays in Chapter 3.

Amendment:

Courthouse Square

Page 3-4

20.03.020 Effect on Uses

Delete the entire text of this section and replace with the following:

Permitted Uses:

* Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards*.

- All uses listed as Permitted Uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the CSO District, except for the following, which shall be excluded from the CSO District:
 - assisted living facility
 - convenience store (with gas)
 - dwelling, multifamily
 - medical care clinic, immediate
- The following uses are also Permitted Uses in the CSO district
 - dwelling, upper floor units*

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the CSO District.

Downtown Core

Page 3-10

20.03.090 Effect on Uses

Delete the entire text of this section and replace with the following:

Permitted Uses:

- All uses listed as Permitted Uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the DCO District, except for the following, which shall be excluded from the DCO District:
 - convenience store (with gas)

Conditional Uses:

Highlighted text denotes text to be added
~~Strikethrough text~~ denotes text to be deleted

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the DCO District.

University Village

Page 3-16

20.03.160 Effect on Uses

Delete the entire text of this section and replace with the following:

Permitted Uses:

- All uses listed as Permitted Uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the UVO District, except for the following, which shall be excluded from the UVO District:
 - convenience store (with gas)

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the UVO District.

Showers Technology Park

Page 3-30

20.03.370 Effect on Uses

Delete the entire text of this section and replace with the following:

Permitted Uses:

* Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.*

- All uses listed as Permitted Uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the STPO District, except for the following, which shall be excluded from the STPO District:
 - amusements, indoor
 - assisted living facility
 - billiard/arcade room
 - coin laundry
 - convenience store (with gas)
 - department store
 - drugstore
 - dwelling, multifamily
 - equipment/party/event rental (indoor)
 - garden shop
 - grocery/supermarket
 - hardware store
 - home electronics/appliance sales
 - indoor theater
 - liquor/tobacco sales
 - lodge
 - pawn shop
 - place of worship

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

- The following uses are also Permitted Uses in the STPO district
 - dwelling, upper floor units*

Conditional Uses:

- All uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the STPO District.
- The following uses are also Conditional Uses in the STPO district
 - place of worship

Amendment #: UDO-017

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would distinguish the use “gas station” as a separate use from “convenience store (with gas)”. The amendment would insert a definition for “gas station” in Chapter 20.12 and add “gas station” as a permitted use in the CA and CG zoning districts.

Amendment:

Page 2-16

20.02.300 Permitted Uses

- gas station*

Page 2-18

20.02.340 Permitted Uses

- gas station

Page 5-88

20.05.097 SC-12 [Special Conditions; Gas Station]

This Special Conditions Standards section applies to the following zoning districts:

[CG]

- Gas stations shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.
- Major overhaul, body and fender work, upholstery, welding, and spray painting shall be prohibited as a component of a gas station.
- All major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building.
- All spray painting shall be conducted within an approved spray booth.
- No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

Page 12-17

20.12.020

Gas Station: A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories.

Amendment #: UDO-018

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would insert a definition for “High Intensity Retail”, a term used in Chapter 20.03 as a trigger for Plan Commission review of certain Downtown development projects.

Amendment:

Page 12-32

20.12.020

Retail, High Intensity: An establishment of 15,000 square feet or greater that engages in retail sales of a commodity or commodities. Such establishments are typically established independent of a larger development, but may also occur as a tenant in a larger development.

Amendment #: UDO-019

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add setback provisions for properties along the B-Line Trail within the Downtown Edges Overlay (DEO) and Downtown Gateway Overlay (DGO) districts. Currently, although the B-Line Trail runs through these overlay districts, no setback provisions were included in the draft UDO. This amendment corrects that error and proposes the same building frontage requirement that is used in Amendment #11.

Amendment:

Downtown Edges

Page 3-23

20.03.260(a)(3)

- (D) For new development adjacent to the B-Line Trail, a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the trail right-of-way.

Downtown Gateways

Page 3-27

20.03.330(a)(3)

- (D) For new development adjacent to the B-Line Trail, a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the trail right-of-way.

Amendment #: UDO-020

Date: November 17, 2006

Plan Commission Vote: 8:3

Synopsis:

This amendment would revise the requirements for pedestrian entrances on building facades along the B-Line Trail in the Commercial Downtown zoning district. Specifically, it would change the current requirement that each ground floor use have an individual entrance on the B-Line trail to a requirement that each structure have a minimum of one pedestrian entrance on the B-Line trail.

Amendment:

Courthouse Square

Page 3-6

20.03.050(a)(3)(D)

- (i) ~~A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail.~~ One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

Downtown Core

Page 3-11

20.03.120(a)(3)(D)

- (i) ~~A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail.~~ One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

Downtown Edges

Page 3-23

20.03.260(a)(3)

- (D) One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

Downtown Gateways

Page 3-27

20.03.330(a)(3)

- (D) One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

Showers Technology Park

Page 3-31

20.03.400(a)(3)(D)

- (i) ~~A well-defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail.~~ One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with a minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

Amendment #: UDO-021

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment changes the proposed regulation concerning pedestrian entrances. Currently, the proposed UDO requires at least one pedestrian entrance on each building façade facing a public street. On buildings which contain two or more street frontages, it is not always feasible to provide multiple pedestrian entrances. This amendment would simply require pedestrian entrances for building facades exceeding 66 feet in street frontage. This number was chosen because a typical platted lot in the downtown is 66 feet in width.

Amendment:

Courthouse Square

Page 3-6

20.03.050(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

Downtown Core

Page 3-11

20.03.120(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

University Village

Page 3-18

20.03.190(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

Downtown Edges

Page 3-23

20.03.260(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

Downtown Gateway

Page 3-27

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

20.03.330(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

Showers Technology Park

Page 3-31

20.03.400(a)(3)

- (B) A minimum of one (1) pedestrian entrance ~~shall be provided on each building façade facing a public street.~~ shall be provided for any building facade which contains at least 66 feet of frontage facing a public street.

Amendment #: UDO-023

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment clarifies the District Intent language within the Courthouse Square Overlay district. Specifically, the word “historic” in the first intent bullet has been deleted and replaced with more specific text. The reason for this change is to clarify that while many buildings within this overlay have been placed on the 2001 Historic Survey, most of these structures have not been designated locally historic.

Amendment:

Page 3-4

20.03.010 District Intent

- Ensure that new development is compatible in mass and scale with ~~historic~~ structures **listed on the 2001 City of Bloomington Survey of Historic Sites & Structures** located in the Courthouse Square Character Area.

Amendment #: UDO-024

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment clarifies ordinance text concerning upper story windows. Specifically, a question was raised as to whether or not window treatments such as sills and lintils needed only to look distinct from the main exterior building facade, or whether these window treatments needed to have different materials altogether. Since the Planning staff's intent was simply to create visual distinction between window frames and the main building façade, this language has been clarified.

Amendment:

Courthouse Square

Page 3-7

20.03.050(b)(3)(C)

- (ii) Window frames shall incorporate window sills and lintels and/or window heads ~~comprised of materials~~ that are visually distinct from the primary exterior finish materials used on the respective facade.

Downtown Core

Page 3-12

20.03.120(b)(3)(C)

- (ii) Window frames shall incorporate window sills and lintels and/or window heads ~~comprised of materials~~ that are visually distinct from the primary exterior finish materials used on the respective facade.

University Village

Page 3-19

20.03.190(b)(3)(C)

- (ii) Window frames shall incorporate window sills and lintels and/or window heads ~~comprised of materials~~ that are visually distinct from the primary exterior finish materials used on the respective facade.

Amendment #: UDO-025

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment addresses the permitted uses that would be allowed within the Restaurant Row Corridor of the University Village Overlay. Specifically, the Plan Commission directed the staff to create a lengthy excluded land use list for this very key corridor in the downtown area.

Amendment:

University Village Overlay

Page 3-16

20.03.160 Effect on Uses

Delete the entire text of this section and replace with the following:

Permitted Uses:

* Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards*.

- All uses listed as Permitted Uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the UVO District, except for the following, which shall be excluded from the UVO District:
 - convenience store (with gas)
- Restaurant Row Corridor: The following uses shall be specifically excluded from the Restaurant Row Corridor:
 - amusements, indoor
 - assisted living facility
 - bank/credit union
 - bar/dance club
 - billiard/arcade room
 - brewpub
 - cellular phone/pager services
 - coin laundry
 - community center
 - computer sales
 - convenience store (without gas)
 - day-care center, adult
 - day-care center, child
 - department store
 - drugstore
 - dry-cleaning service
 - fitness center/gym
 - fitness training studio
 - hardware store
 - home electronics/appliance sales

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- hotel/motel
- license branch
- liquor/tobacco sales
- lodge
- medical care, immediate
- medical clinic
- office supply sales
- park
- pawn shop
- pet grooming
- pet store
- radio/TV station
- recreation center
- research center
- school, preschool
- school, primary/secondary
- school, trade or business
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility
- veterinarian clinic

Amendment #: UDO-027

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that any display of public art being used to satisfy the entrance detailing requirements in the downtown overlay districts must be at a scale where it can be clearly visible and appreciated by pedestrians.

Amendment:

Courthouse Square

Page 3-7

20.03.050(b)(6)(C)

- (iii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

Downtown Core

Page 3-13

20.03.120(b)(6)(C)

- (iii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

University Village

Page 3-20

20.03.190(b)(6)(A)

- (viii) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

Downtown Edges

Page 3-24

20.03.260(b)(5)

- (F) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

Downtown Gateway

Page 3-28

20.03.330(b)(5)

- (H) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

Showers Technology Park

Page 3-33

20.03.400(b)(5)

Highlighted text denotes text to be added
~~Strikethrough text~~ denotes text to be deleted

- (G) Public art display, the size of which shall be adequate to be clearly viewed by pedestrians using the adjoining sidewalk.

Amendment #: UDO-028

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would increase the minimum required roof pitch for sloped roof structures located in several downtown overlay districts.

Amendment:

University Village

Page 3-19

20.03.190(b)(1)

(B) Minimum Pitch: All sloped roofs shall incorporate a minimum ~~4/12~~ **8/12** pitch.

Downtown Edges

Page 3-24

20.03.260(b)(1)

(B) All sloped roofs shall incorporate a minimum ~~4/12~~ **8/12** pitch.

Downtown Gateway

Page 3-28

20.03.330(b)(1)

(B) All sloped roofs shall incorporate a minimum ~~4/12~~ **8/12** pitch.

Showers Technology Park

Page 3-32

20.03.400(b)(1)

(B) All sloped roofs shall incorporate a minimum ~~4/12~~ **8/12** pitch.

Amendment #: UDO-029

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would reduce the height threshold which determines Plan Commission review from 40 feet to 35 feet in the Downtown Edges Overlay District.

Amendment:

Downtown Edges

Page 3-23

20.03.250(b) Height Standards:

(2) *Maximum Structure Height:* 40 **35** feet

(3) *Review Thresholds:*

- (A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet, and no greater than ~~forty (40)~~ **thirty-five (35)** feet shall be reviewed by the Planning staff.
- (B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet, or greater than ~~forty (40)~~ **thirty-five (35)** feet, shall be reviewed by the Plan Commission.

Amendment #: UDO-031

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would direct petitioners to consider the existing zoning of a site during the creation of the use list and development standards for a proposed Planned Unit Development.

Amendment:

Page 4-2

20.04.020(a)

- (2) The permitted uses shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, the land uses contiguous to the area being rezoned to a Planned Unit Development, and the Development Standards and Design Standards of the Unified Development Ordinance.

Page 4-2

20.04.020(b)

- (2) The development standards shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, and the Development Standards and Design Standards of the Unified Development Ordinance.

Amendment #: UDO-032

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that any time the Common Council approves a Planned Unit Development that received no recommendation or a negative recommendation from the Plan Commission, the Final Plan for that Planned Unit Development must still be approved by the Plan Commission.

Amendment:

Page 4-6

20.04.080(f)

- (4) *Final Plan Review Authority:* In general, the Plan Commission shall review all Final Plans. When adequate detail has been provided on a Preliminary Plan, the Plan Commission may, at the time of its favorable recommendation of a Planned Unit Development, delegate the review of Final Plans to the Planning staff. If the Plan Commission recommends denial of a Planned Unit Development **or provides no recommendation on the Planned Unit Development**, and the Common Council approves the Planned Unit Development, the Plan Commission shall review all Final Plans.

Amendment #: UDO-033

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would establish a more formal mechanism whereby the Plan Commission would review, and possibly recommend a rezoning of, an expired PUD Preliminary Plan.

Amendment:

Page 4-7

20.04.080(i)

- (1) *Abandonment:* The Preliminary Plan shall be considered abandoned if, three (3) years after the approval of the Preliminary Plan by the Common Council, no Final Plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the Preliminary Plan should be extended for a period up to a maximum of twelve (12) months. ~~If an extension is not granted, the Plan Commission shall, at the time of the decision not to grant an extension, make a recommendation to the Common Council to rezone the Planned Unit Development to an appropriate zoning district.~~ If no extension is sought for the Planned Unit Development, and the three (3) year period since Common Council approval has elapsed, the Plan Commission may initiate a proposal to rezone the area designated as a Planned Unit Development to an appropriate zoning district. Any such rezoning must follow the process provided in Section 20.10.160 Amendment to Zoning Map. The owner or owners of any property proposed to be rezoned by the Plan Commission under the provisions of this Division shall be notified at least ten (10) days in advance of the Plan Commission public hearing on the proposed rezoning.

Amendment #: UDO-034

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide the ability for the Plan Commission to waive the 5 acre minimum size for Planned Unit Developments.

Amendment:

Page 4-2

20.04.030

- (b) The minimum gross area required for a Planned Unit Development is five (5) acres. The minimum gross area may be waived by the Plan Commission if it is demonstrated that granting such waiver is consistent with the District Intent as specified in Section 20.04.010.

Amendment #: UDO-035

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would merge and clarify similar purpose statements found within the District Intent section of Chapter 20.04 Planned Unit Development Districts.

Amendment:

Page 4-2

20.04.010

- ~~(b) — Provide substantial buffers and transitions between areas of different land use and development densities;~~
- ~~(h) — Effectuate implementation of the Growth Policies Plan.~~
- (a) Implement the guiding principles and land use policies of the Growth Policies Plan; specifically reflect the policies of the Growth Policies Plan specific to the neighborhood in which the Planned Unit Development is to be located.
- (b) Buffer differing types of land uses proposed for the PUD and intensities from each other so as to minimize any adverse impact which new development may have on existing or zoned development surrounding properties; additionally provide buffers and transitions of density within the PUD itself to distinguish between different land use areas.

Amendment #: UDO-036

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that the list of Review Considerations provided for Planned Unit Developments does not represent a prioritization of those considerations, and that no individual consideration on that list should be assigned a priority based on its position on the list.

Amendment:

Page 4-6

20.04.080

- (h) Review Considerations: In their consideration of a PUD District Ordinance and Preliminary Plan, the Plan Commission and Common Council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific Planned Unit Development proposal.

Amendment #: UDO-037

Date: November 17, 2006

Plan Commission Vote: 10:1

Synopsis:

This amendment would add a statement to the Planned Unit Development District Intent section specifying that a Planned United Development should provide a public benefit that would not be possible without deviations from existing development standards.

Amendment:

Page 4-2

20.04.010 District Intent

- (i) Provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance.

Amendment #: UDO-040

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require that “adequate” adjacent on-street parking be available in order for the on-site parking requirement to be reduced for an affordable housing unit.

Amendment:

Page 5-6

20.05.009(d)

- (3) *Single-family Residential Parking:* Parking requirements may be reduced to one (1) on-site parking space per single-family house when **adequate** adjacent on-street parking is available.

Amendment #: UDO-041

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that the AASHTO standards referenced in the Alternative Transportation Standards section are not construction standards.

Amendment:

Page 5-7

20.05.010

- (a) Inspection and Acceptance: Prior to the issuance of a Final Certificate of Occupancy, all alternative transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with City of Bloomington, Bloomington Public Transit Corporation, and/or AASHTO ~~construction~~ standards.

Amendment #: UDO-042

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that the Public Works Director has authority over determining when a monolithic curb and sidewalk system should be installed over a more typical sidewalk/tree plot design.

Amendment:

Page 5-7

20.05.010(b)(3)(D)

- (ii) In situations where the City Engineering Department has determined that a pedestrian easement is not feasible, the ~~Planning~~ **Public Works** Director may approve a monolithic curb and sidewalk design, provided that the sidewalk is increased in width to a minimum of six (6) feet.

Amendment #: UDO-043

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add the Board of Public Works as a review authority over transit facilities when such facilities are proposed to be installed within the public right-of-way.

Amendment:

Page 5-8

20.05.010(c)(1)

- (B) Where a development is required to install one (1) or more transportation facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. **Where such facilities are proposed within the public right-of-way, Board of Public Works approval shall also be required.**

Amendment #: UDO-044

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would change the term “transportation” facility to “transit” facility.

Amendment:

Page 5-8

20.05.010(c)(1)

- (B) Where a development is required to install one (1) or more ~~transportation~~ transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation.

Amendment #: UDO-046

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would exempt covered bicycle parking structures from counting towards the maximum number of accessory structures that are allowed under the Accessory Structure Standards on Page 5-4 of the Unified Development Ordinance.

Amendment:

Page 5-4

20.05.004

- (e) Exemptions: The installation of detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed under Subsections 20.05.005(a), 20.05.006(b), and 20.05.007(a).

Amendment #: UDO-047

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would ease the burden that affordable housing units would have in incorporating the same designs and materials as market rate units when both types of units are located within the same development.

Amendment:

Page 5-6

20.05.009

- (c) Location: When built as part of a larger development that also includes market rate housing, all affordable units constructed or rehabilitated under this section shall not be situated within the development in less desirable locations than market rate units and shall not, on average, be less accessible to public amenities such as open space, than market rate units. Affordable housing shall be integrated with the rest of the development and shall be ~~similar to~~ compatible with the market rate units in design, appearance, construction and quality of materials.

Amendment #: UDO-048

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would remove the population density criterion as a standard for evaluating Conditional Use requests for Jails/Prisons/Juvenile Detention facilities.

Amendment:

Page 5-22

20.05.033

- (c) Density and Intensity: The intensity of use and ~~population density~~ shall be compatible with the surrounding area.

Amendment #: UDO-049

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify language concerning the required height of signal and remote control conductors being used to support communication towers.

Amendment:

Page 5-17

20.05.020(i)

- (6) All signal and remote control conductors of low energy extending ~~substantially horizontally above the ground~~ between a communication tower and other communication equipment, or between communication towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.

Amendment #: UDO-050

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment simply corrects a grammatical error.

Amendment:

Page 5-19

20.05.023(b)

- (5) The proposed use and development will ~~not~~ **neither** cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

Amendment #: UDO-051

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would specify that all driveways shall be constructed to ensure that sidewalks crossing such drives maintain cross-slopes necessary to meet ADA standards.

Amendment:

Page 5-7

20.05.010(b)(3)

(E) Cross-Slopes: Sidewalks shall be constructed in such a manner to ensure that the cross-slopes over entrances and drives comply with ADA requirements.

Page 5-25

20.05.035

(m) Sidewalk crossings over entrances and drives must maintain cross-slopes necessary to comply with ADA requirements.

Amendment #: UDO-052

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require all new driveway aprons to be constructed of concrete, while allowing both asphalt and concrete surfacing for driveway aprons associated with driveways being enlarged or modified.

Amendment:

Page 5-25

20.05.036

- (g) ~~All driveway aprons onto a street shall be surfaced with asphalt or concrete.~~ All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

Page 5-67

20.05.070(e)

- (3) ~~All driveway aprons onto a street shall be surfaced with asphalt or concrete.~~ All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

Page 5-67

20.05.071(b)

- (3) ~~All driveway aprons onto a street shall be surfaced with asphalt or concrete.~~ All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

Page 5-67

20.05.072(b)

- (3) ~~All driveway aprons onto a street shall be surfaced with asphalt or concrete.~~ All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

Page 5-68

20.05.073(b)

- (3) ~~All driveway aprons onto a street shall be surfaced with asphalt or concrete.~~ All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

Amendment #: UDO-053

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would increase the number of applicable zoning districts where manufactured homes would be required to be placed on permanent foundations. This amendment is necessary due to the fact that manufactured homes are permitted to occur in the same zoning districts as stick-built single family homes.

Amendment:

Page 5-13

20.05.017

This Architectural Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [RM] [MH] [MD]

- (a) Foundations: All manufactured homes shall be placed on a permanent foundation. All mobile homes shall be strapped down and have perimeter skirting.

Amendment #: UDO-054

Date: November 17, 2006

Plan Commission Vote: 7:4

Synopsis:

This amendment would change the specific criteria in the Conditional Use section concerning Historic Adaptive Reuse petitions. Specifically, it would remove the linkage between the granting of this type of Conditional Use and the designation of the applicable property as locally historic.

Amendment:

Page 5-19

20.05.025

- (a) The property shall have been designated historic at the local, state, or national level, or have had a petition filed for such designation, at the time of the application for a Conditional Use approval.
- (d) The granting of the Conditional Use approval shall be contingent upon any required Certificate of Appropriateness and upon either the granting of a local, state, or national historic designation or the presence of such designation being in place.

Amendment #: UDO-055

Date: November 17, 2006

Plan Commission Vote: 8:3

Synopsis:

This amendment addresses the issue of gross versus net density as it would apply to properties zoned RM and RH. Specifically, this amendment would cap the amount of development density that could be utilized on non-environmentally constrained areas which are located in the same development as areas being set aside for environmental protection. The existing Zoning Ordinance, which is based on a gross density concept, does not restrict the development density that can be achieved in these areas. This amendment would still allow densities to be increased for these non-environmentally constrained areas but cap density at 1.5 times the zoned density.

Amendment:

Page 2-9

20.02.160

Insert the following text after the Maximum Density requirement for the RM District:

Maximum Density:

- 21 units per acre (2,074 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints), provided that the maximum gross density does not exceed 7 units per acre (6,223 square feet per dwelling unit) over the entire development

Page 2-11

20.02.200

Insert the following text after the Maximum Density requirement for the RH District:

Maximum Density:

- 30 units per acre (1,452 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints), provided that the maximum gross density does not exceed 15 units per acre (2,904 square feet per dwelling unit) over the entire development

Amendment #: UDO-056

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify the definition of a “Geotechnical Consultant” as referenced in the Lake Watershed Areas standards of Chapter 5. This amendment would specify that the Geotechnical Consultant must be a licensed professional engineer.

Amendment:

Page 5-32

20.05.045(a)

- (3) *Geotechnical Report:* Site Plans, subdivision plats, and Planned Unit Development plans shall include a report prepared by a geotechnical consultant that addresses soil stabilization, erosion/siltation control and storm water runoff quality. The geotechnical consultant who prepares the required report must be a licensed professional engineer.

Amendment #: UDO-057

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would further define “erodible soils”. Specifically, it would tie the definition to the soil descriptions found in the Monroe County Soil Survey.

Amendment:

Page 5-26

20.05.039(5)

(A) Presence of highly erodible soils; as identified in the *Soil Survey of Monroe County Indiana*.

Amendment #: UDO-059

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would insert the word “other” prior to “BMPs” within the Chapter 5 standards for erosion control for areas of disturbance less than 1 acre in size.

Amendment:

Page 5-28

20.05.040(a)(4)(M)

- (ii) Disturbance of Less Than One Acre: For sites with less than one (1) acre disturbed at one time, filter fences, straw bales or **other** BMPs shall be placed along all side slopes of the site as an alternative to sedimentation basins. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel. Diversion ditches and other sediment control measures shall be utilized.

Amendment #: UDO-060

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would explicitly prohibit the filling of sinkholes. Currently, the UDO requires that no disturbance occur within Karst Conservancy Easements, but no specific language addresses the filling of karst features.

Amendment:

Page 5-30

20.05.042(a)(4)

- (A) No land disturbing activity, ~~or~~ permanent or temporary structures, ~~or the placement of any fill material~~ shall be allowed within a KCE.

Amendment #: UDO-061

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would explicitly prohibit disturbance of slopes greater than 12% within Lake Watershed areas. Currently the UDO would prohibit structures from being built on slopes of 12% or greater, but does not specify any limitations for other disturbance activities on slopes of greater than 12%.

Amendment:

Page 5-32

20.05.045(a)

- (5) *Steep Slopes:* The maximum slope on which buildings may be constructed shall be twelve percent (12%). **No disturbance shall occur on any slope greater than twelve percent (12%).**

Amendment #: UDO-062

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify language in the Siltation and Erosion Prevention section pertaining to the installation of erosion control measures on development sites. The language would be changed to make it clear that it is the developer's responsibility to install these measures on the site.

Amendment:

Page 5-27

20.05.040(a)(4)

- (G) Inspection: All erosion control measures shall be installed **by the developer, and** inspected and approved by the City Engineering Department and/or Planning Department before land disturbing activity may take place.

Amendment #: UDO-063

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would insert language in the Floodplain Standards section that prohibits the installation and use of septic systems within the floodplain.

Amendment:

Page 5-19

20.05.024

- (c) On-site waste disposal systems **such as sewage treatment plants** shall be located so as to avoid their impairment and contamination ~~from such systems~~ during the occurrence of the regulatory flood. **No septic systems shall be installed within either floodway or floodway fringe areas.**

Amendment #: UDO-064

Date: November 17, 2006

Plan Commission Vote: 8:3

Synopsis:

This amendment would exempt smaller parcels, specifically platted lots less than one acre in size, from the proposed 75 foot riparian buffer requirements of the Unified Development Ordinance.

Amendment:

Page 5-28

20.05.041(a)

- (1) *Applicability:* This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. The requirements of this subsection shall not apply to platted lots of record less than one-half (0.5) acre in size.

Amendment #: UDO-66a

Date: November 17, 2006

Plan Commission Vote: 7:2

Synopsis:

This amendment would allow both projecting and blade signs within the Commercial Downtown (CD) zoning district, but with specific restrictions to limit the aesthetic impacts of such signs.

Amendment:

Page 5-84

20.05.084(a)

- (4) *Projecting Signs:* The following standards apply to projecting signs:
- (A) Maximum Projection: No part of a projecting sign shall protrude more than ~~forty-eight (48)~~ **thirty-six (36)** inches from the wall or face of the building to which it is attached. **Support structures between the building and the sign only shall be counted towards this allowance.**
 - (B) Location: Projecting signs shall be located adjacent to the tenant's lease space. Projecting signs shall not extend into a public right-of-way unless approved by the Board of Public Works.
 - (C) Separation: A minimum separation of ~~fifty (50)~~ **one hundred (100)** feet shall be provided between all projecting signs on the same building façade.
 - (D) Number: A maximum of one (1) projecting sign is permitted per tenant per street frontage.
 - (E) Area: Projecting signs shall be limited to a maximum of twenty (20) square feet in area.
 - (F) Allotment: Projecting sign areas shall count towards overall wall sign allotment.
 - (G) Prohibited Location: No projecting signs shall be located on buildings located within the Courthouse Square Overlay district.
 - (H) Wind Loadings: The applicant for a projecting sign shall provide information verifying that the building façade containing the projecting sign can tolerate wind loadings.
 - (I) Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.

Amendment #: UDO-067

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify text concerning allowances for multifamily real estate signs. Currently, the text in 20.05.078(g)(10)(A) of the UDO allows multifamily properties containing at least 15 units to have for sale signs of 32 square feet in area. This same division of the UDO also allows 5 square foot signs to be used for the purpose of advertising units for lease. However, this provision of the UDO is confusing because it seems to contradict the 90-day temporary sign allowances outlined in 20.05.079(a). Since the Planning Department's intent was to govern units for lease under the 90-day temporary sign allowance, this redundant and confusing text is proposed to be removed.

Amendment:

Page 5-78

20.05.078(g)(10)

- (A) Commercial: Signs advertising the sale or lease of a commercial property or the sale of a multifamily property with at least fifteen (15) units shall be limited to a single sign of a maximum of thirty-two (32) square feet in area per side. ~~Signs advertising the lease of units on a multifamily property with at least fifteen (15) units shall be limited to a single sign of a maximum of five (5) square feet in area per side.~~

Amendment #: UDO-068

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment corrects a simple grammatical error in the text.

Amendment:

Page 5-64

20.05.069(b)

- (2) Each accessible space shall be located adjacent to an access aisle and in ~~close~~ proximity to the building entrance most accessible for the disabled.

Amendment #: UDO-070

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would not allow driveways constructed for individual single family homes to directly back-out into arterial level streets.

Amendment:

Page 5-67

20.05.070

- (c) Back-out Parking: Parking shall be permitted to directly back-out onto a public street or alley for single family uses in these zoning districts. ~~However, back-out parking onto any arterial street is prohibited.~~

Amendment #: UDO-071

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

At the request of the City Parks Department, this amendment would reduce the street tree planting prohibition area within the Vision Clearance Triangle from 75 feet to 50 feet.

Amendment:

Page 5-43

20.05.052(d)(2)

- (E) Vision Clearance: Street trees shall be planted outside the vision clearance triangle as defined in Chapter 20.05; Vision Clearance Standards. Within ~~seventy-five (75)~~ **fifty (50)** feet of an intersection, street trees may be planted behind the sidewalk in order to maintain sight distances for traffic control signs. Low-branching species shall not be allowed within ~~seventy-five (75)~~ **fifty (50)** feet of an intersection. **Locations for street trees within fifty (50) feet of an intersection shall be approved by the City Engineering Department.**

Amendment #: UDO-072

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

At the request of the City Parks Department, this amendment would require the design of tree grates to conform to ADA standards.

Amendment:

Page 5-43

20.05.052(d)(2)

- (D) Tree Grates: Where approved by the City's Urban Forester, street trees may be planted in a minimum twenty-five (25) square foot cutout covered with a **an ADA compliant** tree grate to maintain a flush grade with adjacent sidewalks.

Amendment #: UDO-074

Date: November 17, 2006

Plan Commission Vote: 9:2

Synopsis:

This amendment would create an area in the Commercial Downtown (CD) zoning district where no parking would be required. Specifically, this area would encompass the Courthouse Square Overlay (CSO) district as well as a portion of the Downtown Core Overlay (DCO) south of the City's parking garages. This provision would not preclude a developer from providing parking, but it would not require such spaces for residential development as outlined in the current UDO draft.

Amendment:

Courthouse Square

20.03.040(c) Parking Standards:

- (2) *Residential Parking Standards:* No parking spaces required.
- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.~~
- (C) ~~For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.~~

Downtown Core

20.03.110(c) Parking Standards:

- (2) *Residential Parking Standards:*
- (A) For the first ten (10) bedrooms, no parking shall be required.
- (B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.
- (C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.
- (D) For developments located south of 4th Street, no parking shall be required.

Amendment #: UDO-075

Date: November 17, 2006

Plan Commission Vote: 10:1

Synopsis:

This amendment would not allow a sexually oriented business to locate within 500 feet of a shopping center site.

Amendment:

Page 5-76

20.05.077

- (a) Location: A sexually oriented business shall not be located on a property within five hundred (500) feet of any of the following:
- (1) Place of worship;
 - (2) School (preschool, K-12);
 - (3) Day care center, child or adult;
 - (4) Park; For purposes of this section, publicly owned multi-use trails shall be deemed a park.
 - (5) Library;
 - (6) Residential district; including any portion of a Planned Unit Development designated for residential use;
 - (7) Large-Scale Multi-tenant nonresidential center;
 - (8) Another sexually oriented business.

Page 12-33

20.12.020

Multi-tenant Nonresidential Center, Large-Scale: A group of two or more retail establishments, managed as a unit, sharing a common site, parking area, and entrances, and having a gross floor area of 100,000 square feet or greater.

Amendment #: UDO-076

Date: November 17, 2006

Plan Commission Vote: 9:2

Synopsis:

This amendment would allow sexually oriented businesses to be a permitted use within the Industrial General (IG) zoning district.

Amendment:

Page 5-76

20.05.077

This Sexually Oriented Business Standards section applies to the following zoning districts:

[CA] **[IG]**

Page 2-22

20.02.410 Permitted Uses

- **sexually oriented business**

Amendment #: UDO-077

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require retaining walls, which are exempt from height limits, to still meet manufacturer's specifications.

Amendment:

Page 5-33

20.05.046(e)

(3) Retaining walls are exempt from the height standards, but must be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.

Amendment #: UDO-078

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that the combined height of fences and walls shall not exceed eight feet.

Amendment:

Page 5-33

20.05.046(d)

- (1) Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight (8) feet ~~in height~~.

Amendment #: UDO-079

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add swimming pools to the features which are exempt from the maximum height limits for fences.

Amendment:

Page 5-33

20.05.046(e)

- (4) Fences and walls used to screen swimming pools are exempt from the height limits in *Subsection (d): Maximum Height*, however they shall not be less than five (5) feet in height.

Amendment #: UDO-080

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would not regulate the height of fences and walls within the Residential Estate (RE), Quarry (QY), Industrial General (IG), and Institutional (IN) zoning districts.

Amendment:

Page 5-33

20.05.046(e) Exceptions:

- (4) Fences and walls located in the [RE] [IG] [IN] and [QY] zoning districts are exempt from height standards.

Amendment #: UDO-081

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require that development being proposed for poorly drained areas located outside of floodplain areas receive special site plan review attention by the City Utilities Department. Additionally, this amendment clarifies that all site plans shall be subject to compliance with storm water standards.

Amendment: Add the following new section of text:

Drainage Standards (DS)

20.05.###

Page 5-24

This Drainage Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

- (a) General: All proposed site plans submitted for approval, under the provisions of the Unified Development Ordinance, shall provide for the collection and management of all surface water drainage.
- (b) Drainage Plan: All site plan requests shall include the submittal of a Drainage Plan to the City Utilities Department. The Drainage Plan shall include, but not be limited to, the following items:
 - (1) Complete Grading Plan showing all proposed detention and retention facilities, swales, and drainage structures.
 - (2) All proposed piping including size and location of proposed storm water lines, as well as plan and profile drawings for all proposed improvements.
 - (3) Complete and accurate storm water calculations justifying methodology of the Drainage Plan in compliance with City Utilities Department standards.
- (c) Storm Water Mitigation Requirements: Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the site to a location adequate to receive such runoff. Furthermore, drainage facilities shall:
 - (1) Be designed and constructed in accordance with City Utilities Department standards.
 - (2) Be durable, easily maintained, retard sedimentation, and retard erosion. Facilities shall not endanger the public health and safety, or cause significant damage to property.
 - (3) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting City Utilities Department Standards.
 - (4) Provide storm water runoff quality mitigation in compliance with City Utilities Department Standards.
- (d) Exemption: The construction of single family homes on platted lots of record with fully engineered drainage infrastructure shall be exempt from the requirements of this section.

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (e) Poorly Drained Sites: Development proposed for sites that are adjacent to a floodplain area, located in an area with converging drainage flows, located in an area characterized by documented drainage problems, or located in an area with closed, depressed contour lines as shown on the City's GIS maps shall be subject to a higher level of drainage plan review. Site plans for these areas are additionally subject to the submittal of drainage plans documenting that finished floor elevations of structures shall be at least two (2) feet above areas that would be flooded during a 100-year storm event.

Amendment #: UDO-082

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that a petitioner who is attempting to meet the Sustainable Development Practice of providing 25% less parking than required code minimums would not require a zoning variance.

Amendment:

Page 5-37

20.05.049(a)(2)

- (C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

Page 7-22

20.07.200(a)(2)

- (C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

Amendment #: UDO-083

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment clarifies that the ¼ mile distance requirements outlined in the Group 3 Sustainable Development Practices must take into account the presence of available pedestrian facilities.

Amendment:

Page 5-37

20.05.049(a)(3)

- (A) Location of the development within one-quarter (¼) mile of a Bloomington Transit stop, **provided that the transit facility is accessible using pedestrian facilities.**
- (B) Location of the development within one-quarter (¼) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, **provided these commercial areas are accessible using pedestrian facilities.**
- (C) Location of the development within one-quarter (¼) mile of a public school or park, **provided these public facilities are accessible using pedestrian facilities.**
- (D) Location of the development within one-quarter (¼) mile of a public multiuse trail facility, provided the development can be connected **with pedestrian facilities** to the public trail facility.

Page 7-22

20.07.200(a)(3)

- (A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Bloomington Transit stop, **provided that the transit facility is accessible using pedestrian facilities.**
- (B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, **provided these commercial areas are accessible using pedestrian facilities.**
- (C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public school or park, **provided these public facilities are accessible using pedestrian facilities.**
- (D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public multiuse trail facility, provided the development can be connected **with pedestrian facilities** to the public trail facility.

Amendment #: UDO-084

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment clarifies the types of mechanical equipment that would be exempt from height requirements but not exempt from screening standards.

Amendment:

Page 5-39

20.05.050

- (4) *Mechanical Equipment:* Roof-mounted mechanical equipment, ~~when mounted on a roof~~ including but not limited to utility boxes, telecommunications devices, cables, conduits, vents, chillers, and fans, may extend up to ten (10) feet above the roof's highest point. In such cases, roof-mounted equipment shall be:
- (A) Located such that it is not visible from adjacent private and public streets, or
 - (B) Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private or public streets.

Amendment #: UDO-085

Date: November 17, 2006

Plan Commission Vote: 10:1

Synopsis:

This amendment would require the provision of alternative transportation facilities for site plans associated with Home Occupation requests.

Amendment:

Page 5-40

20.05.051

(c) Site Plan Review:

- (1) *Residential Districts:* An approved home occupation in a residential district shall be treated as a single-family dwelling unit for purposes of Site Plan review. Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with Section 20.05.010 of this Unified Development Ordinance.
- (2) *Nonresidential Districts:* A home occupation in a nonresidential district that meets all of the standards of **this section** shall be treated as a single-family dwelling unit for purposes of Site Plan review. Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with Section 20.05.010 of this Unified Development Ordinance.

Amendment #: UDO-086

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would increase the clearance requirements for landscaping.

Amendment:

Page 5-42

20.05.052(a)

- (3) *Vehicular and Pedestrian Movement:* Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of ~~seven (7)~~ **eight (8)** feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of ~~ten (10)~~ **fifteen (15)** feet.

Amendment #: UDO-087

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require the Utilities Department to review landscaping plans in order to ensure that there are no conflicts between the location of proposed landscaping and utility lines.

Amendment:

Page 5-42

20.05.052(a)

- (2) *Utility Infrastructure:* Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. Trees shall be planted at least ten (10) feet from sanitary sewer and water service lines. A tree canopy may project over a right-of-way or easement. All landscaping plans shall be reviewed by the City Utilities Department in order to ensure that there are no conflicts between proposed landscaping and utility lines.

Amendment #: UDO-088

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add “traffic control signs” to the list of features which would require a minimum 10-foot separation for street tree planting.

Amendment:

Page 5-43

20.05.052(d)(2)

- (E) Vision Clearance: Street trees shall be planted outside the vision clearance triangle as defined in **Chapter 20.05; §VC: Vision Clearance Standards**. Within seventy-five (75) feet of an intersection, street trees may be planted behind the sidewalk in order to maintain sight distances for traffic control signs. Low-branching species shall not be allowed within seventy-five (75) feet of an intersection. Street trees shall be located a minimum of ten (10) feet from a driveway cut, **traffic control sign**, or street light, and a minimum of three (3) feet from a fire hydrant.

Amendment #: UDO-089

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would remove unnecessary references to “irrigation systems” in the Landscaping section of the proposed UDO. Requirements for irrigation systems were deleted from the draft UDO prior to its consideration by Plan Commission.

Amendment:

Page 5-42

20.05.052(b)

- (2) All landscape structures including, but not limited to, fences, **and** walls, ~~and irrigation systems~~, shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

Amendment #: UDO-090

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that in order for development to be permitted, proposed on-site public improvements must conform to City design and construction standards. Current language does not specify whether on-site or off-site improvements must be in compliance in order for development to be permitted.

Amendment:

Page 5-73

20.05.075

- (a) Compliance with the Regulations: Developments shall be permitted only if the **required on-site** public streets, drainage facilities, and utilities are in compliance with the standards outlined in ***Chapter 20.07: Design Standards***, the City Engineering Department standards and any applicable specifications referenced in the *City Utilities Department Rules, Regulations, & Standards of Service*.

Amendment #: UDO-091

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add the word “distance” to the language regulating accessory structure setbacks from private streets in order to clarify the regulation.

Amendment:

Page 5-74

20.05.076(a)

- (1) For private streets, setbacks shall be measured from the edge of the curb or easement, whichever **distance** is greater.

Amendment #: UDO-092

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would replace “larger” with “width” to clarify the method of measurement of accessory structure setbacks where existing right-of-way exceeds what the Master Thoroughfare Plan would require.

Amendment:

Page 5-74

20.05.076(a)

- (2) Where existing right-of-way is ~~larger~~ **wider** than that proposed on the Master Thoroughfare Plan, the setback shall be measured from the existing right-of-way.

Amendment #: UDO-093

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that land with slope in excess of fifteen percent (15%) may not be used for pasture purposes.

Amendment:

Page 5-87

20.05.091(a)

- (1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

Amendment #: UDO-094

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify the intent of the “initial marketing period” that a model home may be displayed for as a part of a development project. It would change the language to allow model homes to be displayed on a development site until all home sites are sold.

Amendment:

Page 5-91

20.05.105

- (h) Real Estate Sales and Model Homes: Real estate sales and model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development until all home sites within the development are sold ~~for the initial marketing period.~~

Amendment #: UDO-097

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would delete the illustrative graphic depicting cul-de-sacs from the section detailing standards for Traditional Subdivisions.

Amendment:

Page 6-9

20.06.060 Traditional Subdivision; Standards and Effect on Development Standards

Delete the middle graphic at the top of the page.

Amendment #: UDO-098

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would create a density transition requirement for Conservation Subdivisions. Specifically, while the Conservation Subdivision would allow concentrations of density in a small portion of the overall site, this amendment would provide for a “step-down” of density to more closely match development densities adjacent to the subdivision.

Amendment:

Page 6-7

20.06.040 Effect on Development Standards

[RE] Zoning District:

- Lot area may be reduced to 20,000 square feet;
- Lot width may be reduced to 100 feet
- Within 200 feet of the property line of the parent tract, the size of subdivided lots shall not be less than 50% of the minimum lot size required by the zoning district.

[RS] Zoning District:

- Lot area may be reduced to 5,000 square feet;
- Lot width may be reduced to 50 feet.
- Side setback may be reduced 8 feet, regardless of the number of stories
- Within 100 feet of the property line of the parent tract, the size of subdivided lots shall not be less than 75% of the minimum lot size required by the zoning district.

Amendment #: UDO-099

Date: November 17, 2006

Plan Commission Vote: 10:1

Synopsis:

This amendment would change the minimum lot size reductions permitted under the Conservation Subdivision and Traditional Subdivision options. The UDO proposes to allow lot size reductions to a minimum of 5,000 square feet. This amendment would allow reductions to a minimum of 4,200 square feet.

Amendment:

Page 6-7

20.06.040

Effect on Development Standards

[RS] Zoning District:

- Lot area may be reduced to ~~5,000~~ 4,200 square feet;

Page 6-9

20.06.060

Effect on Development Standards

[RS] [RC] Zoning Districts:

- Within 100 feet of the property line of the parent tract, the size of subdivided lots shall not be less than 75% of the minimum lot size required by the zoning district.

[RM] [CL] [CG] Zoning Districts:

- Lot area may be reduced to ~~5,000~~ 4,200 square feet;

Amendment #: UDO-100

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify the listings of prohibited exterior building materials provided for each Downtown Overlay in Chapter 20.03 of the UDO. The listing of “Smooth-faced block or split-faced block;” would be clarified to apply to cement block only, so as not to include natural stone block such as limestone.

Amendment:

Page 3-7

20.03.050(b)(4)(B)

(iii) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-12

20.03.120(b)(4)(A)

(iii) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-13

20.03.120(b)(4)(B)

(ii) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-19

20.03.190(b)(5)(A)

(v) Smooth or split-faced **cement** block;

Page 3-19

20.03.190(b)(5)(B)

(iii) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-20

20.03.190(b)(5)(C)

(ii) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-24

20.03.260(b)(4)

(A) Smooth-faced ~~block~~ or split-faced **cement** block;

Page 3-32

20.03.400(b)(4)

(C) Smooth-faced **cement** block;

Highlighted text denotes text to be added
~~**Strikethrough text**~~ denotes text to be deleted

Amendment #: UDO-102

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide more specific requirements for architectural illustrations submitted as supportive material for PUD Preliminary Plan applications.

Amendment:

Page 4-5

20.04.080(d)(4)

- (G) Architectural Character: Narrative, ~~sketches~~ renderings, representative photographs, or other materials that illustrate the proposed architectural character of development within the Planned Unit Development. Such materials shall clearly depict the massing, scale, and architectural details of the proposed development.

Amendment #: UDO-103

Date: November 17, 2006

Plan Commission Vote: 9:2

Synopsis:

This amendment would give the Plan Commission more latitude in determining whether a site plan or subdivision complies with the Sustainable Development Practices contained in both Chapter 5 and Chapter 7 of the Unified Development Ordinance. Such compliance must be determined prior to the awarding of incentives contained in the UDO. Several Plan Commissioners were concerned that a site plan or subdivision proposal could meet the various Sustainable Development Practices contained in Chapter 5 and Chapter 7 without resulting in a project that meets the community's expectations concerning sustainable development. This amendment makes the Plan Commission's decision-making more discretionary.

Amendment:

Page 5-37
20.05.049

(a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a development in order to achieve development standards bonuses as provided in ***Subsection (b): Level One Incentives*** and ***Subsection (c): Level Two Incentives***. Any development that incorporates these practices shall indicate such inclusion at the Site Plan review stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

(1) ~~Group~~ **Goal 1:** A design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) Use of permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
- (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
- (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
- (D) Use of Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures,

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.

- (2) ~~Group~~ **Goal 2:** A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
- (A) Incorporation of a mix of residential and nonresidential land uses either within the development or within individual buildings.
 - (B) Allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.
 - (C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums.
 - (D) Provision of subsidized Bloomington Transit passes or provision of a private van or shuttle.
- (3) ~~Group~~ **Goal 3:** A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:
- (A) Location of the development within one-quarter (1/4) mile of a Bloomington Transit stop.
 - (B) Location of the development within one-quarter (1/4) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan.
 - (C) Location of the development within one-quarter (1/4) mile of a public school or park.
 - (D) Location of the development within one-quarter (1/4) mile of a public multiuse trail facility, provided the development can be connected to the public trail facility.

- (b) Level One Incentives: Developments that meet all three (3) of the goals listed in *Subsection (a): Sustainable Development Practices* by ~~incorporate~~ incorporating at least one (1) ~~of the Sustainable Development Practices from each of the three (3) groups goals listed in Subsection (a): Sustainable Development Practices~~ may utilize the following changes to development standards:
- (1) *Side Building Setbacks:* For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).
 - (2) *Rear Building Setbacks:* For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).
 - (3) *Density:* For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty-five percent (25%).

- (c) Level Two Incentives: Developments that meet all three (3) of the goals listed in Subsection (a): Sustainable Development Practices by incorporate incorporating at least two (2) of the Sustainable Development Practices from each of the three (3) groups goals listed in Subsection (a): Sustainable Development Practices may utilize the following changes to development standards:
- (1) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).
 - (2) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).
 - (3) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy-five percent (75%).

Page 7-22

20.07.200

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in ***Subsection (b): Level One Incentives*** and ***Subsection (c): Level Two Incentives***. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat stage. . The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

- (1) ~~Group~~ **Goal 1**: A design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
- (A) A commitment to use permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
 - (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
 - (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
 - (D) A commitment to provide Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.

- (2) ~~Group~~ **Goal 2:** A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
- (A) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.
 - (B) A commitment to allocate at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.
 - (C) A commitment to provide automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums.
 - (D) A commitment to provide subsidized Bloomington Transit passes or provision of a private van or shuttle.
- (3) ~~Group~~ **Goal 3:** A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:
- (A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Bloomington Transit stop.
 - (B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the *Growth Policies Plan*.
 - (C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public school or park. An allocation of acreage for a centrally located common area in compliance with *Section 20.07.090: Facilities Plan Standards* shall count towards fulfillment of this Sustainable Development Practice.
 - (D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public multiuse trail facility, provided the proposed subdivision can be connected to the public trail facility.

- (b) Level One Incentives: Subdivisions that meet all three (3) of the goals listed in *Subsection (a): Sustainable Development Practices* by ~~incorporate~~ incorporating at least one (1) ~~of the~~ Sustainable Development Practices from each of the three (3) ~~groups~~ goals listed in ~~*Subsection (a): Sustainable Development Practices*~~ may utilize the following changes to development standards:
- (1) *Side Building Setbacks:* For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).
 - (2) *Rear Building Setbacks:* For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).

- (3) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty-five percent (25%).
- (c) Level Two Incentives: Subdivisions that meet all three (3) of the goals listed in *Subsection (a): Sustainable Development Practices* by incorporate incorporating at least two (2) of the Sustainable Development Practices from each of the three (3) groups goals listed in ~~*Subsection (a): Sustainable Development Practices*~~ may utilize the following changes to development standards:
- (1) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).
 - (2) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).
 - (3) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy-five percent (75%).

Amendment #: UDO-105

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require tree preservation easement boundaries to be placed 10 feet outside of the drip lines of individual trees and clusters of vegetation. This amendment would allow for better protection of root zones and give more room for future tree growth.

Amendment:

Page 5-32

20.05.044(a)

- (6) Where contiguous areas of at least one-half (0.5) acre of tree cover are required to be preserved, a Conservation and/or Tree Preservation Easement shall be required per ***Chapter 20.07: Design Standards***. The edges of such easements shall be delineated ~~at~~ **ten (10) feet beyond** the driplines of the trees to be preserved.

Amendment #: UDO-106

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would increase the corner radius for alley intersections with public streets from 6 feet to 10 feet.

Amendment:

Page 7-4

20.07.040

- (f) Minimum Corner Radius: The minimum corner radius at any alley intersection with a public street shall be ~~six (6)~~ **ten (10)** feet.

Amendment #: UDO-107

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify text concerning the arterial street buffer requirements of the UDO. In this case, the text has been corrected to state that a combination of walls and landscaping must be provided for at least 75% of the lineal frontage of a subdivision along an arterial street.

Amendment:

Page 7-5

20.07.050(d)(2)

- (A) A solid wall or combination of walls a minimum of three (3) feet in height, combined with landscaping sufficient to achieve a non-lineal, dense buffer of evergreen and deciduous trees, that together equals to at least seventy-five percent (75%) of the subdivision's lineal frontage along an Arterial frontage street.

Amendment #: UDO-108

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add alley/alley intersections to the list of intersections that must have radius requirements.

Amendment:

Page 7-11

20.07.100(b)(4)

(C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than ten (10) feet, or by the chord of such arcs.

Amendment #: UDO-109

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would specify that on-street parking spaces located at the end of a row of spaces can be two feet shorter than typically required.

Amendment:

Page 7-13

20.07.120(b)

- (1) *Striping:* All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least eight (8) feet long, and be spaced at least twenty-two (22) feet apart. **An on-street parking space located at the end of a row of spaces may be shortened to twenty (20) feet in length.** T-markings may also be permitted to mark spaces. No parking spaces shall be placed within thirty (30) feet of an intersection, or greater if indicated by the City Engineering Department.

Amendment #: UDO-110

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would note that on-street parking bump-outs should not be installed at 90 degree angles perpendicular to street curbs in order to allow for easier street sweeping maintenance.

Amendment:

Page 7-13

20.07.120(c)

- (4) Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance. Bump-out designs shall be subject to review by the City Engineer.

Amendment #: UDO-111

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would require turnaround areas to facilitate emergency service vehicle movement until stub streets are further extended. Because the nature of these areas is to be temporary, surfacing requirements are reduced.

Amendment:

Page 7-17

20.07.160(c)(5)

- (A) Temporary turnaround ~~easements~~ areas which can be surfaced with asphalt, concrete, permeable pavers, or crushed stone may be required to provide safe turnaround for emergency vehicles, ~~but shall be released to the neighboring properties when the reciprocal stub street is constructed.~~ Such areas shall be located within dedicated street rights-of-way and shall be removed when stub streets are further extended.

Amendment #: UDO-112

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that no parking is allowed in “eyebrow” street areas.

Amendment:

Page 7-18

20.07.160(c)

- (15) *Eyebrows:* Eyebrow street designs shall be permitted for residential subdivisions only and constructed for one-way traffic with an island in the middle which contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network. **No parking is allowed within eyebrow areas.**

Amendment #: UDO-113

Date: November 17, 2006

Plan Commission Vote: 9:0

Synopsis:

This amendment would require Conservation Subdivisions to have sidewalks on both sides of all streets.

Amendment:

Page 6-7

20.06.040 Conservation Subdivision; Standards and Effect on Development Standards

Alternative Transportation Facilities:

- Facilities required on ~~one side~~ **both sides** of internal streets and along adjoining streets.
- Facility type shall be governed by the Alternative Transportation & Greenways System Plan.

Page 7-15

20.07.140(d)

- ~~(1) Streets within Conservation Subdivisions shall only be required to have pedestrian facilities on one (1) side of the street. All other required trails and connector paths shall still be required.~~
- ~~(2)~~ Cul-de-sacs less than three hundred (300) feet in length and providing access to less than ten (10) residential units shall only be required to install pedestrian facilities on one (1) side of the street. All other required trails and connector paths shall still be required.

Amendment #: UDO-114

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify that, in addition to the delineated wetland itself, any required wetland buffer area should also be placed within easements and common areas on Final Plats.

Amendment:

Page 7-9

20.07.080(b)

- (5) *Wetlands:* All delineated wetlands and required wetland buffer areas as defined in *Section 20.05.043: Wetlands.*

Page 7-9

20.07.080(c)

- (4) *Wetlands:* All delineated wetlands and required wetland buffer areas as defined in *Section 20.05.043: Wetlands.*

Amendment #: UDO-115

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would delete the incentives dealing with additional density allowance from the Sustainable Development Incentives section of Chapter 20.07. Since development density for subdivisions is determined by lot sizes, incentives that provide additional residential units per acre are not applicable.

Amendment:

Page 7-23

20.07.200(b)

(5) ~~—— *Density:* For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty five percent (25%).~~

Page 7-23

20.07.200(c)

(5) ~~—— *Density:* For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy five percent (75%).~~

Amendment #: UDO-116

Date: November 17, 2006

Plan Commission Vote: 10:0

Synopsis:

This amendment would increase the open space requirements for Conventional Subdivisions by adding an additional 5% to each of the existing open space tiers.

Amendment:

Page 6-5

20.06.020 Conventional Subdivision; Standards and Effect on Development Standards

Minimum Open Space:

- For subdivisions of at least 25 lots and no more than 49 lots, a minimum of ~~5%~~ 10% of the gross acreage must be identified as common open space on the plat.
- For subdivisions of at least 50 lots and no more than 74 lots, a minimum of ~~10%~~ 15% of the gross acreage must be identified as common open space on the plat.
- For subdivisions of at least 75 lots, a minimum of ~~15%~~ 20% of the gross acreage must be identified as common open space on the plat.

Amendment #: UDO-117

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add a new type of easement called “Tree Conservation Easement” to the list of easement types provided in Chapter 20.07 of the UDO. This easement would prohibit the removal of any trees, regardless of size.

Amendment:

Page 7-8

20.07.070(e)

(9) *Tree Conservation Easement:*

- (A) Prohibits the removal of any tree within the easement area.
- (B) Allows the removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the Planning Department.
- (C) All Tree Conservation Easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than two hundred (200) feet, and each sign shall be a maximum of one and a half (1.5) square feet in area. A minimum of one (1) sign is required, regardless of easement size.

(Insert this text as a new Division (9), and renumber the remaining Divisions)

Amendment #: UDO-118

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide more specific requirements for architectural illustrations submitted as supportive material for Site Plan Review applications.

Amendment:

Page 10-11

20.10.120(d)

- (6) ~~Required architectural design elements such as building elevations, renderings, materials photographs, and any other information deemed necessary by the planning staff to determine compliance with this Unified Development Ordinance. Such illustrations shall clearly depict the massing, scale, and architectural details of the proposed development.~~ In the case of a Site Plan involving partial demolition governed by the demolition waiting period provisions of ***Section 20.10.230: Demolition Delay***, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.

Amendment #: UDO-120

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add a cross reference to Chapter 20.10 that links to the neighborhood meeting requirements for Planned Unit Development Preliminary Plans. It would also provide the option for staff to require neighborhood meetings for other types of approvals should it be deemed necessary.

Amendment:

Page 10-6

20.10.070 Pre-Application Requirements

(c) *Neighborhood Meeting:* The petitioner shall conduct a neighborhood meeting prior to filing a petition to rezone a site to a Planned Unit Development, subject to the Neighborhood Meeting requirements specified in **Division 20.04.080(b)(3)**. Other types of petitions requiring a public hearing may also be required by the planning staff to conduct a neighborhood meeting. Notice of the neighborhood meeting shall be made to any neighborhood association on record with the City within a five hundred (500) foot radius of the boundaries of the proposed Planned Unit Development. Such notice shall be made to the neighborhood associations and the Planning Department at least seven (7) days in advance of the meeting. Planning Department staff may require additional neighborhood meetings if significant changes are made to the petition proposal after the initial neighborhood meeting occurs.

Amendment #: UDO-122

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would provide the City Engineering Department the ability to require traffic studies as a part of the application materials for Site Plan Review.

Amendment:

Page 10-11

20.10.120(d)

- (7) Traffic Studies as deemed necessary by the planning staff **or the Engineering Department** to determine the extent of public improvements required to accommodate traffic generated by the proposed development.

Amendment #: UDO-123

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would revise the Intent statement for Grading Permits to indicate that the purpose of Grading Permits is broader than only protecting the waterways of Bloomington and surrounding areas.

Amendment:

Page 10-34

20.10.240 Grading Permit

- (a) Intent: ~~The quality of the waters of the City of Bloomington, Monroe County, and surrounding counties shall be protected by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams, and wetlands. Properties and streets shall also be protected from dangerous, unsightly, or polluting deposition of water and sediments.~~ It is the intent of this section to mitigate the environmental impact of site development and to protect the quality of the waters of the City of Bloomington, Monroe County, and surrounding areas by providing a thorough permitting and inspection process for all grading activities.

Amendment #: UDO-124

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add a provision to Chapter 20.04 Planned Unit Developments that establishes a mechanism for Plan Commission review of any PUD where final plans for the entire PUD have not been approved since the approval of the Preliminary Plan.

Amendment:

Page 4-7

20.04.080(i)

- (2) *Review:* If, ten (10) years after the approval of the Preliminary Plan by the Common Council, Final Plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved Final Plans, the Plan Commission may, on its own initiative, make a recommendation to the Common Council to rezone those portions of the Planned Unit Development that do not have approved Final Plans to an appropriate zoning district.

Amendment #: UDO-125

Date: November 17, 2006

Plan Commission Vote: 8:1

Synopsis:

This amendment would delete Accessory Dwelling Units (ADU) from the proposed UDO. Currently, ADU are proposed to be allowed through a Conditional Use process in the RE, RS, RC, and RM zoning districts.

Amendment:

Page 2-2

Residential Estate (RE) District

20.02.030 Conditional Uses

~~dwelling, accessory unit*~~

Page 2-4

Residential Single-family (RS) District

20.02.070 Conditional Uses

~~dwelling, accessory unit*~~

Page 2-6

Residential Core (RC) District

20.02.110 Conditional Uses

~~dwelling, accessory unit*~~

Page 2-8

Residential Multifamily (RM) District

20.02.150 Conditional Uses

~~dwelling, accessory unit*~~

Page 5-20

~~20.05.026 CU-04 [Conditional Use; Accessory Dwelling Units (ADU), Single-family]~~

~~This Conditional Use Standards section applies to the following zoning districts:~~

~~[RE] [RS] [RC] [RM]~~

~~(a) Minimum Lot Area: Accessory dwelling units shall not be established on a lot less than the minimum lot area of the zoning district.~~

~~(b) Parking/Access Management: A minimum of three (3) on site parking spaces shall be provided. The ADU shall have street access from a driveway in common with the primary residence unless alley access can be utilized. Driveway surface material shall be as required for that zoning district by **Chapter 20.05; §ED: Entrance & Drive Standards**.~~

~~(c) Design Standards:~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (1) ~~Compatibility with Primary Dwelling:~~ The ADU shall be compatible with the primary single family residence with respect to architectural style, roof pitch, color, and materials.
- (2) ~~Maximum Square Footage:~~
 - (A) ~~Attached ADU: Six hundred (600) square feet;~~
 - (B) ~~Detached ADU: Four hundred forty (440) square feet.~~
- (3) ~~Minimum Setbacks:~~
 - (A) ~~Attached Accessory Dwelling Units: Per **Chapter 20.02: Zoning Districts** for primary structures.~~
 - (B) ~~Detached Accessory Dwelling Units: Per per **Section 20.05.076: Setback Standards** for accessory structures.~~
- (4) ~~Maximum Height:~~
 - (A) ~~Attached Accessory Dwelling Units: Per **Chapter 20.02: Zoning Districts** for primary structures.~~
 - (B) ~~Detached Accessory Dwelling Units: Twenty-five (25) feet.~~
- (5) ~~Access:~~ Access to an accessory dwelling unit located above the ground floor of a structure shall be through an interior, enclosed stairway. Exterior, unenclosed stairways accessing an accessory dwelling unit shall be prohibited.
- (d) ~~Impervious Surface:~~ Impervious surface area shall not exceed the maximum allowed by the applicable zoning district standard.
- (e) ~~Density/Concentration:~~ Not more than one (1) ADU may be located on one (1) property and no more than three (3) ADUs shall be within five hundred (500) feet of each other, as measured from the property lines of the property on which they are located.
- (f) ~~Occupancy:~~ The primary dwelling unit or accessory dwelling unit shall be owner occupied. In no case shall the entire property be occupied by more than a single family, as defined by the Unified Development Ordinance. Any primary or accessory dwelling unit used as a rental unit shall register with the Department of Housing & Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.
- (g) ~~Commitments:~~ Before obtaining a Certificate of Zoning Compliance for the accessory dwelling unit, the petitioner shall record a commitment, consistent with the standards of **Section 20.10.070**, stating the following:
 - (1) ~~The ADU shall not be sold separately from the primary unit.~~
 - (2) ~~The Certificate of Zoning Compliance shall be in effect only so long as the primary dwelling unit, or the accessory dwelling unit, is occupied by the owner of record as their primary residence.~~

Amendment #: UDO-126

Date: November 17, 2006

Plan Commission Vote: 10:0

Synopsis:

This amendment would change the PUD Preliminary Plan abandonment standards. It would specify that the Preliminary Plan is considered abandoned after 2 years (rather than 3 years) without a Final Plan approval, and would allow the Plan Commission to grant a Preliminary Plan extension of up to 180 days (rather than 12 months).

Amendment:

Page 4-7

20.04.080(i)

- (1) *Abandonment:* The Preliminary Plan shall be considered abandoned if, ~~three (3)~~ **two (2)** years after the approval of the Preliminary Plan by the Common Council, no Final Plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the Preliminary Plan should be extended for a period up to a maximum of ~~twelve (12) months~~ **one hundred eighty (180) days**. If an extension is not granted, the Plan Commission shall, at the time of the decision not to grant an extension, make a recommendation to the Common Council to rezone the Planned Unit Development to an appropriate zoning district.

Amendment #: UDO-131

Date: November 17, 2006

Plan Commission Vote: 7:2

Synopsis:

This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that residential developments provide both covered bicycle parking and bicycle storage lockers. The justification for this amendment request is that there is a significant cost burden associated with providing these types of facilities. If this amendment is approved, multifamily developments would still be required to provide one bicycle parking space per six bedrooms. However, all bicycle parking spaces would be uncovered, Class II facilities.

Amendment:

Page 5-10

20.05.013(c)

- (2) ~~Developments with more than sixty-four (64) bedrooms total shall provide a minimum of one quarter (1/4) of the total number of required bicycle parking spaces as long term Class I bicycle parking facilities.~~

Amendment #: UDO-132

Date: November 17, 2006

Plan Commission Vote: 9:0

Synopsis:

This amendment would double the wall signage allotment for first floor uses in the Commercial Downtown zoning district. The allotment would change from 1 square foot per lineal foot of tenant façade width to 1.5 square feet per lineal foot of tenant façade width.

Amendment:

Page 5-84

20.05.084(a)(1)

- (A) Individual Nonresidential Uses: The cumulative square footage of all wall signs shall not exceed ~~one (1)~~ **one and one-half (1.5)** square ~~foot~~ **feet** per lineal foot of primary structure that faces a public or private street.
- (B) Multi-tenant Nonresidential Centers:
 - (i) First Story: The cumulative area of all wall signs for an individual tenant shall not exceed ~~one (1)~~ **one and one-half (1.5)** square ~~foot~~ **feet** per lineal foot of the tenant's façade width for locations on the first floor.

Amendment #: UDO-134

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis: This amendment would allow the higher fine amounts for second and subsequent offenses to be invoked where the repeat violation occurs at a different location, and would also clarify that the fines listed in the table are doubled each time an offense is repeated (up to the statutory maximum of \$7,500) for third and subsequent offenses as well as for the second offense.

Amendment:

Page 11-3

20.11.040 Penalty

- (b) The following violations of ***Title 20: Unified Development Ordinance*** shall be subject to the fines listed in the table below for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this Unified Development Ordinance within three (3) years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in ***Subsection (a)*** above. (For example, a violation that is subject to a one hundred dollar (\$100) fine per the table will be subject to a two hundred dollar (\$200) fine for the second offense, a four hundred dollar (\$400) fine for the third offense, and so forth.) A responsible party will be deemed to have violated the same provision for purposes of this Subsection where the violations fall under the same Section of this Unified Development ordinance or under the same subject matter heading where such heading contains multiple Sections (for example, "Parking Standards (PK)", containing ***Sections 20.05.069 through 20.05.074.***) ~~In addition, if the listed violation occurs a second time on the same property within three (3) years of the same violation, the listed fine shall be doubled, and may be increased to a maximum of seven thousand five hundred dollars (\$7,500), as provided in ***Subsection (a)*** above.~~

Amendment #: UDO-135

Date: November 17, 2006

Plan Commission Vote: 8:2

Synopsis:

This amendment would raise the proposed fine for erecting a temporary sign without a permit to \$100 (currently \$50), and would raise the proposed fine for erecting a permanent sign without a permit to \$250 (currently \$100).

Amendment:

Page 11-4

20.11.040(b)

Table of Fines

Temporary Signage Without Permit	\$50.00 \$100.00
Permanent Signage Without Permit	\$100.00 \$250.00

Amendment #: UDO-136a

Date: November 17, 2006

Plan Commission Vote: 8:1

Synopsis:

This amendment would provide Planning Department staff with the ability to give warnings prior to the issuance of Notices of Violation (NOV) for zoning enforcement cases.

Amendment:

Page 11-4

20.11.050

- (a) If the Planning Director or his designee finds that any violation subject to this chapter is occurring, or has occurred, a Notice of Zoning Violation (NOV) may be issued to the responsible party. Such Notices of Zoning Violation may be further accompanied by additional warnings following the same procedures of this Chapter. For purposes of issuing a Notice of Zoning Violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:

Amendment #: UDO-137

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add “property manager” to the list of individuals considered a responsible party for the purposes of issuing Notices of Zoning Violation in conjunction with the enforcement procedures outlined in Chapter 20.11.

Amendment:

Page 11-4

20.11.050(a)

- (3) Any person who, whether as **property manager**, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

Amendment #: UDO-138

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would remove the option of posting a Notice of Violation “in a conspicuous place on the property” as a method of delivering the NOV to the responsible party. It would leave personal delivery and first class mailing as the two NOV delivery options.

Amendment:

Page 11-4

20.11.050

- (b) The Notice of Zoning Violation (NOV) shall be in writing and shall be served on all of the responsible parties in one (1) or more of the following manners: delivery in person; **or** by first class mail; ~~and/or by placement in a conspicuous place on the property where the violation occurs.~~ The Notice of Zoning Violation shall state:

Amendment #: UDO-139

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add a definition of “Trailer”, cross-referenced to the definition of “Dwelling, Mobile Home”.

Amendment:

Page 12-36

20.12.020

Trailer: See “*Dwelling, Mobile Home.*”

Amendment #: UDO-140

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify the definition of “Cementitious Siding” to refer to both the shape and appearance of wood.

Amendment:

Page 12-8

20.12.020

Cementitious Siding: An exterior building finish that has the **shape and** appearance of horizontal lap wood siding and is made of a combination of cement, sand, cellulose (wood) fiber, and sometimes clay.

Amendment #: UDO-142

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would add mechanical equipment to the list of features exempt from the definition of building height.

Amendment:

Page 12-19

20.12.020

Height, Building: The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, **mechanical equipment**, or utility service structures shall not be included in the measurement of vertical dimensions.

Amendment #: UDO-143

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment clarifies the definition of “lumen” contained in Chapter 12.

Amendment:

Lumen: A unit of luminous flux. ~~One (1) footcandle is one (1) lumen per square foot. For the purposes of these regulations, the lumen output values shall be the initial lumen output ratings of a lamp~~ which measures the quantity of light that shines on an area of one square foot, every point of which is one foot away from a light source equal to one (1) foot candle.

Amendment #: UDO-144

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment adds the *Alternative Transportation and Greenways System Plan* to the list of planning documents which comprise the Growth Policies Plan. Further, this amendment provides additional definitions for different types of alternative transportation facilities.

Amendment:

Page 12-25

20.12.020

Growth Policies Plan (GPP): The comprehensive plan for the City of Bloomington and its planning jurisdiction including the Master Thoroughfare Plan, **Alternative Transportation and Greenways System Plan**, and any subsequently adopted subarea plans and amendments thereto, prepared by the Plan Commission and legally adopted. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan is developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Multi-use Trail: A hard-surface, off-road pathway used by bicyclists, pedestrians, and other non-motorized traffic typically located within or along a greenway.

Sidepath: A hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other non-motorized traffic.

Sidewalk: A hard-surface pathway within the street right-of-way that is designated for the exclusive use of pedestrian traffic.

Amendment #: UDO-145

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment provides a definition for the *2001 City of Bloomington Survey of Historic Sites and Structures*.

Amendment:

Page 12-9

20.12.020

City of Bloomington Survey of Historic Sites and Structures: A survey adopted by the City of Bloomington's Historic Preservation Commission and updated on a periodic basis which rates sites and structures within the community according to their historic significance.

Amendment #: UDO-146

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment corrects a grammatical error in the definition of “common area.”

Amendment:

Page 12-9

20.12.020

Common Area: Any portion of a development that is ~~not~~ **neither** part of a lot or tract ~~or~~ **nor** dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and may include such other uses as parking lots and complementary buildings or structures. Maintenance of such areas is not the responsibility of the City and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

Amendment #: UDO-147

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment deletes the reference to “agricultural” resources within the definition of conservancy easement. Agricultural lands are uncommon in the City and, to date, have not been considered a resource associated with conservancy easement protection.

Amendment:

Page 12-14
20.12.020

Easement, Conservancy: An easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for ~~agricultural~~, forest, recreational, or open space use, and protecting natural resources.

Amendment #: UDO-149

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment broadens the definition of “storage tanks” to include both above and below ground facilities.

Amendment:

Page 12-35

20.12.020

Storage Tanks: Any one (1) of a combination of tanks located either above or below ground, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances designed for wholesale distribution or mass consumption. ~~and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.~~

Amendment #: UDO-150

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment better links the definition of “vision clearance triangle” to the Vision Clearance Standards found on Page 5-93 of the UDO.

Amendment:

Page 12-39

20.12.020

Vision Clearance Triangle: An area of unobstructed vision at street intersections between two and one-half (2.5) and nine (9) feet above the gutter line and within a triangular area at the street corner, which area is bounded by the street property lines of the corner lot, ~~and a line connecting points twenty five (25) feet distant from the intersection of the property lines of such lot.~~ **The vision clearance triangle leg lengths shall be as specified in the most current edition of the *Policy on Geometric Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials(AASHTO).**

Amendment #: UDO-151

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment removes reference to the term “dead-end” in the definition of Stub Street.

Amendment:

Page 12-35

20.12.020

Street, Stub: A ~~nonpermanent dead-end~~ street intended to be extended in conjunction with the subdivision and/or development of adjacent unplatted land.

Amendment #: UDO-152 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 7:2

Synopsis:

This amendment, which was requested by the Near West Side Neighborhood Association, would eliminate the Commercial Downtown (CD) zoning proposed for four properties located at 221 North Rogers Street, 215 North Rogers Street, 502 West 6th Street/207 North Rogers Street, and 508 West 6th Street. Land uses at these addresses include two rehabilitative facilities and three registered multifamily rentals. All of the structures in question are protected by the City's Demolition Delay Ordinance. Please see the attached maps for both the current and proposed zoning designations for these properties.

Amendment:

The proposed amendment would change the zoning designation for the above listed properties from CD, Downtown Edges Overlay to RC (Residential Core).

Amendment #: UDO-153b (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 9:0

Synopsis:

This amendment, which was requested by the Old Northeast Neighborhood Association, would alter the proposed zoning for the properties located in the area bounded by 12th Street to the north, Indiana Avenue to the east, the east-west alley north of 10th Street to the south, and Grant Street to the west. Maps showing existing zoning, proposed zoning, and registered rentals with unit counts have been included as attached.

Amendment:

The proposed amendment would change the zoning designation for the properties at the location described above from a combination of RM and RH to Residential High-Density Multifamily (RH). Any areas within the boundaries described above that are currently shown as Residential Core (RC) on the UDO Map would remain so.

Amendment #: UDO-154 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 6:2

Synopsis:

This amendment, which was requested by the Bryan Park Neighborhood Association, would delete the Residential Multifamily (RM) for properties located in two areas along South Washington Street (please see the attached map exhibits that outline current zoning, proposed zoning, and registered rental/residential unit counts in these two areas).

Amendment:

The proposed amendment would change the zoning designation for the properties depicted in the two subject areas from RM to RC (Residential Core).

Amendment #: UDO-154a (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 8:0

Synopsis:

This amendment, which was requested by the Bryan Park Neighborhood Association, would delete the Industrial General (IG) zoning for a subject area located at the southwest corner of Hillside Drive and South Huntington Drive. The amendment also deletes the IG zoning for a second subject area, an apartment complex building located at 846-852 East Hillside Drive. The attached maps indicate the IG zoning for these subject areas can be scaled back in favor of residential zoning.

Amendment:

The proposed amendment would change the zoning designation for the properties at the southwest corner of Hillside and Huntington from IG to RM to be more consistent with existing zoning and to create a residential buffer along Hillside. Additionally, the amendment would rezone the apartment building at 846-852 Hillside Drive from IG to PUD. This simply corrects a map error.

Amendment #: UDO-157

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would allow the Plan Commission to require the submittal of three-dimensional models in order to better evaluate massing compatibility of development projects proposed for the Commercial Downtown zoning district.

Amendment:

Page 10-11

20.10.120(d)

- (6) Required architectural design elements such as building elevations, renderings, materials, and any other information deemed necessary by the planning staff to determine compliance with this Unified Development Ordinance.
- (A) **Commercial Downtown:** In the case of a Site Plan involving new development in the Commercial Downtown (CD) zoning district, the Plan Commission may require the submittal of a three-dimension model, either physical or computer animated, in order to evaluate massing compatibility.
- (B) **Demolition Delay:** In the case of a Site Plan involving partial demolition governed by the demolition waiting period provisions of **Section 20.10.230: Demolition Delay**, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.

Amendment #: UDO-158

Date: November 17, 2006

Plan Commission Vote: 10:0

Synopsis:

This amendment, which was originally brought forward by the Chamber of Commerce, would define the “Courthouse Square” area to clarify which buildings should be considered to be facing the square.

Amendment:

Page 12-11

20.12.020

Courthouse Square: A geographic area encompassing all buildings facing the Monroe County Courthouse. This shall also include buildings located at the southwest corner of College and Kirkwood, the southeast corner of Walnut and Kirkwood, the northeast corner of Walnut and 6th Street, and the northwest corner of College and 6th Street.

Page 3-5

20.03.040(b)(3)

(B) Buildings ~~Facing~~ located on the Courthouse Square:

Amendment #: UDO-159

Date: November 17, 2006

Plan Commission Vote: 10:0

Synopsis:

This amendment would allow similar density bonuses in the Affordable Housing Standards section of Chapter 5 as those outlined in the Green Development Standards section of the same chapter. This amendment also provides the option for the City's Utilities Service Board to waive sewer hook-on fees for affordable housing projects.

Amendment:

Page 5-6

20.05.009(d)

- (1) *Waiver of Fees:*
- (A) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.
 - (B) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.
 - (C) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.
- (4) *Reduced Bulk Requirements; Single-family Lots:* The following reductions in development standards may be applied to single-family residential lots and may be approved by the planning staff:
- (A) Lot Area: Minimum lot area standards may be reduced up to forty percent (40%).
 - (B) Lot Width: Minimum lot width standards may be reduced up to twenty percent (20%).
 - (C) Side Building Setbacks: Side building setbacks may be reduced to five (5) feet regardless of the number of stories.
 - (D) Rear Building Setbacks: Rear building setbacks may be decreased to fifteen (15) feet.

Amendment #: UDO-160

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify the proposed requirements for fire sprinkler systems within Downtown structures that contain dwelling units above the first floor.

Amendment:

Page 5-88

20.05.093 SC-08 [Special Conditions; Dwelling, Multifamily]

[CD]

- (a) Dwelling, Multifamily: ~~All dwelling units located on the second story or above shall be required to have fire sprinkler systems that meet the design specifications of the Building Code.~~ Any building containing one or more dwelling units located on the second story or above shall be required to have a fire sprinkler system located throughout the building structure. Such fire building system must comply with the standards of NFPA 13R-1999, as adopted and amended by 675 Ind. Admin. Code Section 13-1-25, or such later edition of NFPA as may hereafter be adopted by the State, unless state codes require compliance with a different standard, in which case such standard shall apply.

Page 5-88

20.05.096 SC-11 [Special Conditions; Dwelling, Upper Floor Units]

[CD]

- (a) Dwelling, Upper Floor Units: ~~All dwelling units located on the second story or above shall be required to have fire sprinkler systems that meet the design specifications of the Building Code.~~ Any building containing one or more dwelling units located on the second story or above shall be required to have a fire sprinkler system located throughout the building structure. Such fire building system must comply with the standards of NFPA 13R-1999, as adopted and amended by 675 Ind. Admin. Code Section 13-1-25, or such later edition of NFPA as may hereafter be adopted by the State, unless state codes require compliance with a different standard, in which case such standard shall apply.

Amendment #: UDO-161

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment addresses responsibility of lot owners for maintaining commonly owned drainage facilities in the event the owners' association becomes insolvent, dissolves, or is otherwise unable or unwilling to maintain the facilities. This amendment also makes other changes to the Facilities Plan Standards section to:

- add the CI (Commercial/Industrial) subdivision type to coverage by the Facilities Plan section;
- delete and/or reword several references to "residential" in order to apply the section to common facilities in commercial/industrial subdivisions as well as in residential subdivisions; and
- clarify the type of drainage facilities that are subject to the Facilities Plan requirements.

Finally, this amendment clarifies the Storm Water Standards section by adding cross-references to the facilities plan and easement requirements where applicable.

Amendment:

Facilities Plan Standards (FC)

Page 7-10

20.07.090 FC-01[Facilities Plan Standards;~~Residential~~]

[CV] [CS] [TD] [~~CI~~]

- (a) General: ~~Residential~~ All developments shall be governed by Facilities Plans for all property held in common area, privately-owned open space, or easements.
(No change proposed to the remainder of Subsection (a).)
- (b) Applicability: All ~~residential~~ subdivisions that are required to provide environmental preservation/conservation easements, drainage easements, common areas, ~~and or~~ commonly-owned engineered and built drainage facilities (including but not limited to detention/retention ponds) shall be required to submit a Facilities Plan.
- (c) Facilities Plan Requirements:
(No change proposed to Divisions 1-3.)
- (4) Responsible Parties: The Covenants, Commitments and Restrictions for any subdivision that are required to include commonly-owned engineered or built drainage facilities, including but not limited to detention/retention ponds, shall be made binding upon all owners of lots in the subdivision and shall:
- (i) Establish an owners' association responsible for arranging and bearing the costs of maintenance and repair of such facilities.
- (ii) Provide that individual owners shall have responsibility and liability for such maintenance and repair in the event the Association becomes insolvent, ceases to exist, or for any reason fails or refuses to perform such obligations.

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (iii) Allow the City or other appropriate governmental authority to perform or have performed any necessary work or maintenance upon such facilities, in the event the owners and/or the Association fail to act, and allow the City or other authority to recover its costs by assessing same equally to the lot owners and by placing a lien upon any lot where payment is not made in a timely manner.

Storm Water Standards (SM)

Page 7-16

20.07.150

- (d) Common Area: Engineered and built drainage improvements, ~~such as~~ including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to City Utilities Department Standards, and a Facilities Plan shall be required pursuant to ***Section 20.07.090: Facilities Plan Standards.***
- (e) Easements: Features and improvements shall be located within easements where required, in accordance with ***Section 20.07.090: Facilities Plan Standards.***

Amendment #: UDO-162

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would clarify when dry hydrants must be provided, and state the specifications to which they must be built.

Amendment:

Page 5-61

20.05.063

- (b) Dry Hydrants: Any development that incorporates a retention pond with a standing pool of water at least ~~three (3) feet in depth~~ 10,000 cubic feet in volume shall provide a dry hydrant that meets the design specifications of the National Fire Protection Association (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting, Chapter 9 (2001 Edition), or any subsequent amendment thereto. ~~the City Utilities Department.~~

Amendment #: UDO-163 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 9:0

Synopsis:

This amendment would revise the proposed zoning for certain properties located generally between Jackson Creek, Snoddy Road, and Rhorer Road. Maps showing existing zoning and proposed UDO zoning for the subject parcels have been included as attached.

Amendment:

The proposed amendment would change the zoning designation for the properties labeled as the Subject Area on the attached maps from Residential Estate (RE) to Residential Single-family (RS).

Amendment #: UDO-164 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 8:2

Synopsis:

This amendment would revise the proposed zoning for certain properties located generally at the southwest corner of Hillside Drive and Henderson Street. Maps showing existing zoning and proposed UDO zoning for the subject parcels have been included as attached.

Amendment:

The proposed amendment would change the zoning designation for the properties labeled as the Subject Area on the attached maps from Commercial Limited (CL) to Residential Multifamily (RM).

Amendment #: UDO-165 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would revise the proposed zoning for two properties containing the development known as “The Arbors” on the south side of Moores Pike, opposite Clarizz Boulevard. This development was approved as a PUD in 1994, but this designation was incorrectly left off of the proposed UDO zoning map. A map showing the proposed UDO zoning for the subject parcels have been included as attached.

Amendment:

The proposed amendment would change the zoning designation for the properties labeled as the Subject Area on the attached map from Residential Single-family (RS) to Planned Unit Development (PUD).

Amendment #: UDO-166

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would revise multiple sections of the proposed UDO to correct errors and clarify certain language.

Amendments:

Page 1- 4

20.01.030 Purpose

This Unified Development Ordinance is adopted for the following purposes:

- (a) To promote the orderly, responsible, and sustainable development and redevelopment of the areas within the planning jurisdiction in accordance with the Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan, the Alternative Transportation and Greenways System Plan, and the Subarea Plans, which include among others the Downtown Vision and Infill Strategy Plan, along with such additions and revisions as may hereafter be made to such Plans, and with all other City land use policy;
- (t) To minimize the negative secondary impacts of sexually oriented businesses by avoiding their undue concentration and by separating them from sensitive land uses.

Page 1-11

20.01.250

The overlay districts as noted below have been established to add additional and unique development standards which will better help the City accomplish the goals of the Growth Policies Plan. The following overlay districts are hereby established for the general purposes as stated:

- (a) CSO; Courthouse Square Overlay: This district is established to guide both new development and redevelopment activities within the Courthouse Square Character Area, as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan and as mapped on the Official Zoning Map.
- (b) DCO; Downtown Core Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Core Character Area, as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan and as mapped on the Official Zoning Map.
- (c) UVO; University Village Overlay: This district is established to guide both new development and redevelopment activities within the University Village Character Area, as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan and as mapped on the Official Zoning Map.
- (d) DEO; Downtown Edges Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Edges Character Area,

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as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan and as mapped on the Official Zoning Map.

- (e) DGO; Downtown Gateway Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Gateway Character Areas, as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan as the Illinois Central Railroad Gateway and the Seminary Square Gateway and as mapped on the Official Zoning Map.
- (f) STPO; Showers Technology Park Overlay: This district is established to guide both new development and redevelopment activities within the Showers Technology Park Character Area, as ~~mapped~~ defined in the Downtown Vision & Infill Strategy Plan and as mapped on the Official Zoning Map.

Page 1-14

20.01.360 Common Council

The Common Council shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code:

- (a) To initiate, adopt, or reject any amendment to the Official Zoning Map, ~~including any proposed Planned Unit Development~~; and, to initiate, adopt, amend, or reject any amendment to the text of this Unified Development Ordinance, in accordance with Ind. Code 36-7-4-600 SERIES: ZONING ORDINANCE.

Page 1-15

20.01.370 Plan Commission

- (a) Jurisdiction and Authority:
 - (18) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (IC 36-7-4: Local Planning & Zoning);
- (c) Quorum and Official Action: No official action shall be taken by the Plan Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Plan Commission, who are qualified by IC 36-7-4-300 SERIES: PLAN COMMISSION ORGANIZATION ~~36-7-3: Platting & Vacation of Real Property~~ to vote. Official action of the Plan Commission requires authorization by a majority of the entire membership of the Plan Commission at a regular or special meeting.

Page 1-16

20.01.380 Board of Zoning Appeals

- (a) Jurisdiction and Authority:
 - (5) To ~~permit or~~ require commitments under IC 36-7-4-921 as a condition of approval of a variance or Conditional Use;

Page 1-17

20.01.390(a) Planning Department

- (4) To review any Site Plan submitted for such review, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or

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other financial assurance for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in ***Chapter 20.05: Development Standards*** ***Section 20.10.120: Site Plan Review***;

Page 1-18

20.01.390 Planning Department

- (e) Receipt, Processing, and Referral of Applications: The planning staff shall receive all applications **for any petition, permit, or process** required to be filed pursuant to this Unified Development Ordinance. Upon receipt of any such application, the planning staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the City or any other governmental unit or agency with any interest or duty with respect to such application.

Page 1-20

20.01.420 Growth Policies Plan (Comprehensive Plan)

- (d) **Growth Policies Plan Incorporated Herein**: The Growth Policies Plan, which includes the Master Thoroughfare Plan, the Alternative Transportation and Greenways System Plan, and all Subarea Plans, **which include among others the Downtown Vision and Infill Strategy Plan and the Plan for West Kirkwood**, is hereby incorporated into and made a part of this Unified Development Ordinance. Two (2) copies of the Growth Policies Plan are on file and available for public inspection in the Office of the City Clerk.

Page 2-6

20.02.100 Permitted Uses

- artist studio*

Page 2-7

20.02.120 RC District Development Standards

Minimum Lot Area ~~in~~ **for Subdivision**

Page 4-3

20.04.040 General Standards

- (c) The PUD District Ordinance shall indicate the land uses, development requirements, and other applicable specifications that shall govern the Planned Unit Development. If the PUD District Ordinance is silent on a particular ~~land use~~, development requirement, or other specification, the standard of the zoning district specified in the PUD District Ordinance or the applicable regulations shall apply. The development requirements that apply to the specified zoning district shall apply to the Planned Unit Development zoning district unless the PUD District Ordinance specifies an alternate standard. The PUD District Ordinance may set land use, development requirement, or other specifications for aspects of the development on which the Unified Development Ordinance is otherwise silent, but may specify alternatives only to the standards of the provisions listed below, and may not specify alternatives to any requirement of this UDO that is not listed below: ~~but is limited to specifying alternatives to the standards of:~~

(1) ***Chapter 20.02: Zoning Districts***; and

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- (2) *Chapter 20.05: Development Standards.* ÷
(3) ~~*Chapter 20.06: Subdivision Regulation,*~~ and
(4) ~~*Chapter 20.07: Design Standards*~~

Page 4-3

20.04.070 Limitation of Revisions to the Unified Development Ordinance

- (a) Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Unit Development even if such changes are adopted during the Planned Unit Development build-out. In addition, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*, changes to the Unified Development Ordinance which alter any development standards for which the PUD District Ordinance is silent shall be enforced upon the Planned Unit Development.
- (b) If a Planned Unit Development is no longer proceeding in accordance with its PUD District Ordinance, commitments, or time requirements imposed herein or by agreement, amendments to the Unified Development Ordinance may be applied to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.

Page 4-4

20.04.080 Process; PUD District Ordinance & Preliminary Plan

- (b) Prerequisites:
- (2) *Development Review Committee:* After the required pre-submittal meeting, and after the Planning Department shall determines that it has received a submittal that is sufficiently complete for Development Review Committee review, ~~In this instance,~~ the planning staff may place the item on an agenda of the Development Review Committee and inform the petitioner of the time, date, and place of the meeting.
- (d) Application: An Application for a Planned Unit Development shall not be considered complete until all information and documentation required by this Subsection has been submitted and all meetings required by Subsection (b) of this Section have been completed. Applications for Planned Unit Developments shall include, but not be limited to, the following documents:

Page 4-7

20.04.080

- (j) Changes or Amendments:
- (2) *Preliminary Plan:* To the extent that a Preliminary Plan is a conceptual and general rendering of a proposed development conforming to the PUD District Ordinance, a Final Plan may deviate from the approved Preliminary Plan in some respects without necessitating an amendment to the Preliminary Plan. However, any deviation from ~~Any change to an~~ approved Preliminary Plan that alters the concept or intent of the Planned Unit Development shall be subject to the procedure for approval of a new Preliminary Plan. The Plan Commission may require that an application for Preliminary Plan Amendment encompass the entire

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Planned Unit Development. ~~Changes to Planned Unit Developments~~ Deviations that require a Preliminary Plan Amendment include, but are not be limited to, the following:

- (A) Changes in the location, proportion or allocation of uses, ~~or changes to the types of uses allowed;~~
- (B) Increases in residential density;
- (C) More than a ten percent (10%) change to the proportion of housing types;
- (D) Substantial increase in the cube of a building;
- (E) More than a one percent (1%) reduction of proposed open space;
- (F) Changes in functional uses of open space, where such change constitutes an intensification of open space usage;
- (G) ~~Substantial~~ Substantive change in the ratio of off-street parking spaces to use; ~~or~~
- (H) ~~Substantial~~ Substantive changes in standards, continuity, or general location of roads, utilities, or storm water management features; ~~or~~ -
- (I) Substantive changes in the Covenants, Conditions and Restrictions, or other governing agreements, that affect any matter regulated by this Unified Development Ordinance.

Page 4-8

20.04.090 Process; Final Plan

(e) Planning Department:

(1) Decision:

- (A) Planning Department Approval: The ~~Planning Director~~ ~~planning staff~~ shall review all Final Plans that have been delegated to ~~him~~ ~~them~~ by the Plan Commission. The ~~Planning Director~~ ~~planning staff~~ may permit or require the petitioner to make a written commitment, and may also impose reasonable conditions of approval.
- (B) Minor Deviations from Preliminary Plan: If the Planning Director finds the Final Plan proposes minor deviations from the approved Preliminary Plan that do not require a PUD District Ordinance amendment or a Preliminary Plan amendment pursuant to **Division 20.04.080(j)(2)**, and that do not change the concept or intent of the development, he may review and approve or deny the Final Plan without public notice or a public hearing, as authorized by Rule of the Plan Commission. The Planning Director's decision is subject to appeal under **Subdivision 20.04.090(e)(1)(D)**.
- (C) ~~(B)~~ Determination that Amendment is Required: ~~Planning Department~~ ~~Determination:~~ If the ~~Planning Director~~ ~~planning staff~~ finds the Final Plan proposes ~~major~~ changes to the PUD District Ordinance, or deviations from the approved Preliminary Plan that require a Preliminary Plan amendment pursuant to **Subdivision 20.04.080(j)(2)(A)**, ~~he~~ ~~the planning staff~~ shall not approve the Final Plan, but shall notify the petitioner that a PUD Amendment is required pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan. If the petitioner disagrees with the ~~Planning Director's~~ ~~planning staff~~ determination, he may request that the Plan Commission review the Final Plan and determine whether such amendment is required. ~~are involved.~~ Such request must be submitted

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in writing to the Planning Department not later than fourteen (14) days after the Planning Director's determination is made. The Plan Commission procedure upon such review shall be the same as for an appeal pursuant to (D) below. If the Plan Commission determines that no amendment to the PUD District Ordinance or Preliminary Plan is required, ~~the changes are minor~~, the Plan Commission shall review and act upon the Final Plan. In this case, the Plan Commission decision shall be final and appealable pursuant to IC 36-7-4-1016. If the Plan Commission determines that an amendment is required pursuant to **Subdivision 20.04.080(j)(2)(A)**, ~~the changes are major~~, the Plan Commission shall review the proposal as a PUD Amendment application and shall forward a recommendation to the Common Council, pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan.

- (D) ~~(C)~~ Appeal to Plan Commission of Planning Director Department Decision: Interested parties, as defined by the Plan Commission Rules of Procedure, affected by the decision of the **Planning Director** ~~planning staff~~ upon review of a Final Plan may within fourteen (14) days of such decision request that the Plan Commission review the **Planning Director's** ~~planning staff~~ decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission may affirm, reverse, or modify the **Planning Director's** ~~planning staff~~ decision.

(h) Changes or Amendments:

(1) *Minor ~~Changes~~ **Modifications***: The Planning Director may approve minor changes to an approved Final Plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice ~~in a manner consistent with the purpose or intent of the overall development~~ as authorized by Rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to **Subdivision 20.04.090(e)(1)(D)**. This shall include the following:

- (A) Minor changes in the location and siting of buildings and structures;
- (B) Changes in height of less than one (1) story, but not over eight (8) feet in any case;
- (C) Minor changes to an approved Landscape Plan that do not alter the general concept or screening effectiveness of the landscaping;
- (D) Minor changes to the internal street system and off-street parking areas; and
- (E) Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD District Ordinance and Preliminary Plan in that general location.

(2) *Major ~~Changes~~ **Modifications***: Changes requiring a new Final Plan shall include the following, provided that this Subdivision shall not be interpreted to allow any change that would otherwise require an amendment to the PUD District Ordinance and/or the Preliminary Plan:

- (A) ~~Any change in type of use, as long as the requested use is permitted in the PUD District Ordinance;~~
- (A) ~~(B)~~ Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
- (B) ~~(C)~~ Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of **Chapter 20.05; §EN: Environmental Standards**, or other such development or design standards in the PUD District Ordinance;
- (C) ~~(D)~~ Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways;
- (D) ~~(E)~~ Any reduction in aesthetic treatment.

Page 5-2

20.05.001 Introduction

After the effective date of this Unified Development Ordinance, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with the Development Standards of this Chapter, except as otherwise hereinafter provided.

~~Except as may otherwise be provided within this Unified Development Ordinance, all structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Unified Development Ordinance are subject to all development standards and regulations for the applicable zoning district.~~

Purpose of change: makes applicability language parallel to general applicability provisions of the ordinance, for consistency and to avoid any confusion in interpretation.

Page 5-6

20.02.100 Permitted Uses

- artist studio*

All Pages: particularly found in pages 5-7 through 5-11

Replace all references to “Bloomington Public Transit Corporation” with Bloomington Public Transportation Corporation”

Page 5-21

20.05.029 CU-07 [Conditional Use; Retail Low Intensity and Restaurant Limited Service]

This Conditional Use Standards section applies to the following zoning districts:

[RM] [RH]

Commercial uses under this Section must be accessory to a principal or primary permitted use.

Page 5-22

20.05.032 CU-10 [Conditional Use; Kennel]

- (a) Minimum Building Setbacks:
- (1) *Front:* Per **Chapter 20.02: Zoning Districts**.

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- (2) *Side*: Fifty (50) feet.
- (3) *Rear*: Fifty (50) feet.
- (4) *Outdoor Activities*: **Animals shall not be permitted outside except within a secure animal run,**
and no ~~No~~ outdoor animal run shall be permitted within two hundred (200) feet of any
~~adjacent~~ **adjoining** residential district or use.

Page 5-29

20.05.041 EN-04 [Environmental Standards; Riparian Buffer]

- (5) *Streamside Zone Design*: The Streamside Zone (Zone 1) shall be designed as follows:
 - (D) Disturbance Activities: **Only the** ~~The~~ following land disturbance activities may be allowed within this zone, subject to Planning Department approval:
 - (i) Utility installation; if no alternative location is available;
 - (ii) Street crossings, where necessary to achieve connectivity;
 - (iii) Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
 - (iv) Connector path, if constructed with a permeable surface.
- (6) *Intermediate Zone Design*: The Intermediate Zone (Zone 2) shall be designed as follows:
 - (D) Disturbance Activities: **Only the** ~~The~~ following land-disturbing activities may be allowed within this zone, subject to Planning Department approval:
 - (i) All activities allowed in Zone 1 (Streamside Zone);
 - (ii) Storm water management facilities;
 - (iii) Removal of nonnative or invasive species;
 - (iv) Multiuse trails.
- (7) *Fringe Zone Design*: The Fringe Zone (Zone 3) shall be designed as follows:
 - (D) Disturbance Activities: **Only the** ~~The~~ following land-disturbance activities may be allowed within this zone, subject to Planning Department approval:
 - (i) All activities allowed within Zone 1 and Zone 2.
 - (ii) Streets, as needed to achieve connectivity.

Page 5-32

20.05.045 EN-08 [Environmental Standards; Lake Watershed Areas]

- (6) *Recordable Commitment*: Developments shall incorporate redundant storm water runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for **all of the following**:
 - (A) Periodic third-party inspection and report;
 - (B) A homeowner's association with financing capability;
 - (C) City authorization to order maintenance;
 - (D) City authorization to seek injunctive relief;
 - (E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and -
 - (F) Provisions, meeting the standards of **Subsection 20.07.090(c)**, for responsibility of **individual lot owners in the event the owners' association fails or refuses to perform.**

Page 5-64

20.05.069 PK-01 [Parking Standards; General]

- (g) Use of ~~Required~~ Parking Spaces:
 - (1) *Exclusive Use*: Unless a shared parking agreement has been established in accordance with the requirements of **Division (e)(2): Shared Parking Facilities**, required on-site parking spaces

- shall be designed, maintained and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.
- (2) *Storage of Vehicles or Equipment*: Parking lots and spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.
- (3) *Motor Vehicle Repair*: Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

Page 5-80

20.05.078 SI-01 [Sign Standards; General]

- (k) Waiver of Right to Damages:
- (1) The Plan Commission, the Board of Zoning Appeals, and the planning staff are each authorized to request waivers of the right to and receipt of damages pursuant to IC 22-13-2-1.5, IC 36-7-2-5.5, and IC 35-24, in connection with any application for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.
- (2) Waivers may be requested from by the following:
- (A) The applicant;
 - (B) The property owner;
 - (C) The sign owner; and
 - (D) Any other person with an interest in the site or the sign.

Page 5-86

20.05.086 SC-01 [Special Conditions; Artist Studio]

This Special Conditions Standards section applies to the following zoning districts:

[CD]

- (a) Artist Studio:
- (1) The artist studio shall be accessory to a residential use.
 - (2) No retail activity shall be permitted in association with the artist studio.
 - (3) No display of art pieces for public viewing, such as within a gallery, shall be permitted.
 - (4) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

Page 7-2

20.07.010 Using this Section

The following pages contain the design standards for site and infrastructure improvements associated with subdivisions. These requirements shall also apply to Planned Unit Developments associated with subdivision approval, unless the PUD District Ordinance specifies alternative design standards. Each section represents the regulations for a specific category.

Page 7-7

20.07.070 EA-01 [Easement Standards]

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- (a) General: All proposed plats submitted for approval under the provisions of **Chapter 20.06: Subdivision Regulations** shall allocate sufficient easement areas for features including, but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary. All easements and corresponding utility location plans shall be approved prior to the approval of the plat. For features required to be in an easement but not required to be within common area, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this Unified Development Ordinance or in the development approval. A grant of authority to the City to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility. A Facilities Plan shall also be provided in accordance with **Section 20.07.090: FC-01 [Facilities Plan Standards: Residential]**.

Page 7-7, continued
20.07.070, continued

- (e) Easement Types: Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply to these easements:
- (3) Drainage Easement:
- (A) Shall be required for any surface swales ~~or~~ other minor improvements that are intended for maintenance by the lots on which they are located.

Page 7-9
20.07.080 EV-01 [Environmental Standards; General]

This Environmental Standards section applies to the following types of development:

- (a) General: All proposed plats submitted for approval under the provisions of **Chapter 20.06: Subdivision Regulations** shall preserve environmental features per the requirements of **Chapter 20.05; §EN: Environmental Standards**. Facilities Plans shall also be provided in accordance with **Section 20.07.090: FC-01 [Facilities Plan Standards: Residential]**.

Page 7-21
20.07.190 SS-01 [Street Sign Standards; Residential, Commercial and Industrial]

- (b) City's Responsibilities: The City shall be responsible for disseminating specifications for the installation of all ~~manufacturing~~ the public safety related street signs, including but not limited to ~~such as~~: speed limit signs, stop signs, yield signs, and street name signs, and the like, and ~~as deemed necessary by the City Engineering Department throughout the development~~. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these signs required for any development. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.

Page 10-3
20.10.030 Applications; General

- (a) Application Requirements:
- (1) Applications for any petition, permit, or process under this Unified Development Ordinance may be made by the owner or lessee of property within the City or its zoning jurisdiction. In addition, the owners of at least fifty percent (50%) of the land

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- involved may initiate a zoning map amendment for that land. The Plan Commission and/or Common Council may also initiate action as prescribed by Indiana Code and other applicable laws.
- (b) Completeness of Application: The planning staff shall determine whether an application is complete prior to accepting the application. If the application is incomplete, the planning staff shall inform the applicant as to what additional information must be supplied. No application shall be considered complete until all pre-application requirements of **Section 20.10.070: Pre-application Requirements** have been satisfied and all required fees have been paid.
- (d) Planning Department Application Review: All applications for permits, approvals, or processes required by this chapter shall be reviewed by the planning staff, which shall either be charged with the issuance or denial of a Certificate of Zoning Compliance or other staff-level approval or to prepare a report for the applicable public hearing body.

Page 10-13

20.10.130 Development Standards Variance,

- (c) Exceptions:
- (1) *Subdivision Control*: It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant Development Standards Variances of **Chapter 20.06: Subdivision Types** or **Section 20.07: Design Standards**.
- (e) Findings of Fact: Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:
- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties. ~~This situation shall not be self imposed, nor be based on a perceived reduction of or restriction of economic gain.~~

Page 10-18

20.10.160 Amendment to Zoning Map

Delete (b) as follows and re-number/letter the remainder of this Section accordingly:

- (b) Prerequisites:
- (1) *Time Limitation*: ~~If a Zoning Map Amendment petition has been denied, the petitioner or owner and/or his successors shall not file a new application with the same or substantially similar request for a period of one (1) year.~~

Page 10-19

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20.10.170 Subdivision Control; General

- (a) Citation: **Chapter 20.10: Subdivision Control**, together with **Chapter 20.06: Subdivision Regulations** and **Chapter 20.07: Design Standards** may be cited as the Subdivision Control Ordinance.
- (b) Intent: The purpose of the Subdivision Control Ordinance **Chapter 20.10; §Subdivision Control** is to guide the development of the Plan Commission's jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities. Further, that the needs of public utilities and facilities be recognized in the future growth; that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.
- (d) Adoption, Amendment and Jurisdiction: ~~The Plan Commission hereby recommends to the City Council this ordinance containing provisions for subdivision control, which~~ The Subdivision Control Ordinance shall be adopted, amended, or repealed in the same manner as other sections of the Unified Development Ordinance. After the Subdivision Control Ordinance has been adopted and a certified copy of the ordinance has been filed with the County Recorder's office, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by the Subdivision Control Ordinance.

Page 10-21

20.10.180

- (e) Planning Department:
 - (1) *Review of Application:* Upon receipt of a complete application, supportive documents, and the appropriate fees, the planning staff shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The planning staff shall then decide to:
 - (A) Assign the Preliminary Plat to the Plat Committee for review; or
 - (B) Assign the Preliminary Plat to the Plan Commission for review.
 - Within thirty (30) days after receipt of a complete application, the planning staff shall announce a date for hearing before the Plan Commission or Plat Committee, and provide for notice in accordance with this ordinance and Plan Commission Rules.
- (f) Plan Commission:
 - (1) *Decision:* The Plan Commission shall:
 - (A) Approve the petition;
 - (B) Approve the petition with conditions ~~and/or commitments~~;
 - (C) Deny the petition; or
 - (D) Continue the petition to a definite future meeting date.
 - (2) *Effect of Approval:* The approval of a Preliminary Plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted;
 - (3) *Appeal of a Decision of the Plat Committee:* The Plan Commission shall review an appeal of a Preliminary Plat approval granted by the Plat Committee at a public

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- hearing using the same procedure as though it were a Preliminary Plat application filed with the Plan Commission
- (A) Decision: The Plan Commission shall:
- (i) Affirm the decision of the Plat Committee;
 - (ii) Affirm the decision of the Plat Committee with additional conditions ~~and/or commitments~~;
 - (iii) Reverse the decision of the Plat Committee; or
 - (iv) Continue the petition to a definite future meeting date.
- (4) *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions ~~or commitments~~ required by the Plan Commission. The petitioner shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Planning Department.
- (g) Plat Committee:
- (1) *Decision*: The Plat Committee shall:
- (A) Approve the petition;
 - (B) Approve the petition with conditions ~~and/or commitments~~;
 - (C) Deny the petition;
 - (D) Continue the petition to a definite future meeting date; or
 - (E) Forward the petition to the Plan Commission.
- (2) *Notice of Appeal*: An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Plan Commission. Such appeal must be filed with the Plan Commission not more than ten (10) days after the action of the Plat Committee.
- Page 10-22*
- (i) Duration:
- (1) A Final Plat application shall be filed not later than twelve (12) months after the date of approval of the Preliminary Plat, otherwise the Preliminary Plat approval shall be considered void, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.
- (2) One (1) extension of up to six (6) months may be authorized by the Planning Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning Director, and the Planning Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Preliminary Plat record.
- (j) All decisions of the Plan Commission or Plat Committee approving, denying, or placing conditions upon a Preliminary Plat must be in writing and signed by the President of the Plan Commission, the Chair of the Plat Committee, or the Planning Director.

Pages 10-23 and 10-24
20.10.190

- (e) Planning Department:
- (1) *Review of Application*: The Plan Commission may review Final Plats or may by rule delegate to planning staff or the Plat Committee the authority to review Final Plats. Upon receipt of a complete application, supportive documents, and the appropriate

fees, the planning staff shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The planning staff shall then, in accordance with the Plan Commission Rules ~~decide to:~~

- (A) Review and render a final decision upon the Final Plat ~~Utilize the administrative approval process;~~ or
- (B) Forward ~~Assign~~ the Final Plat to the Plat Committee for review ~~approval~~; or
- (C) Forward ~~Assign~~ the Final Plat to the Plan Commission for review ~~approval~~.

Page 10-25

- (h) Duration: If the Final Plat has not been recorded within a maximum period of six (6) months, the Final Plat shall be null and void and the Final Plat must again be submitted for approval, to the extent permitted by ***Section 20.01.210: Effect of Change in the Law after Filing of Complete Application.***

Amendment #: UDO-167 (Map Amendment)

Date: November 17, 2006

Plan Commission Vote: 11:0

Synopsis:

This amendment would revise the proposed zoning for portions of a property located on the east side of North Walnut Street, north of 20th Street. An error on the proposed UDO zoning map caused the zoning line to not follow the property line of the subject parcel. This amendment would shift the zoning line to match the property line so that the entire parcel is under the appropriate zoning district. A map showing the proposed UDO zoning for the subject parcel has been included as attached.

Amendment:

The proposed amendment would change the zoning designation for the portion of the parcel identified as the Subject Area on the attached map from Commercial Arterial (CA) to Residential High-Density Multifamily (RH).

ORDINANCE 06-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “ZONING”,
INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL
CODE, ENTITLED “SUBDIVISIONS”**

APPENDIX D

AMENDMENTS ADOPTED BY THE COMMON COUNCIL

**(Note: Amendments Adopted by the Common Council will be
returned to the Plan Commission for their review pursuant to
I.C. 36-7-4-606 (g))**

ORDINANCE 06-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “ZONING”,
INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL
CODE, ENTITLED “SUBDIVISIONS”**

APPENDIX E

**SPECIAL FINDINGS OF FACTS CONCERNING
SEXUALLY ORIENTED BUSINESSES**

**UNIFIED DEVELOPMENT ORDINANCE
PROCEEDINGS OF PLAN COMMISSION, OCTOBER 2006
CITY OF BLOOMINGTON, INDIANA**

**FINDINGS REGARDING ADVERSE SECONDARY EFFECTS
OF SEXUALLY ORIENTED BUSINESSES**

Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearing(s) and in reports made available to the Plan Commission, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986), *California v. LaRue*, 409 U.S. 109 (1972), *Pleasureland Museum, Inc. v. Beutter*, 2002 WL 818791 (7th Cir. 2002), *Berg v. Health & Hosp. Corp. of Marion County*, 865 F.2d 797 (7th Cir. 1989), *Shultz v. Cumberland*, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Plan Commission finds that:

1. Sexually oriented businesses lend themselves to ancillary unlawful unhealthy activities;
2. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located;
3. The presence of sexually oriented businesses has a negative impact on the value of properties in the immediate area;
4. The presence of sexually oriented businesses has a negative impact on non-sexually oriented retail businesses in the immediate area;
5. The adverse impacts of sexually oriented businesses are exacerbated where such businesses are concentrated within a geographic area;
6. Sexual acts, including masturbation, oral sex and anal sex, occur at adult entertainment businesses, especially those which provide booths or cubicles for viewing films, videos, or live sex shows;

7. Acts of prostitution commonly occur at adult entertainment businesses;
8. Persons frequent certain adult theaters and other adult entertainment businesses for the purpose of engaging in sex within the premises;
9. At least fifty (50) communicable diseases may be spread by activities that occur in adult entertainment businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections;
10. Prostitution, sexual assaults and other criminal activity occur at adult entertainment businesses;
11. Prostitution is connected to the spread of sexually transmitted diseases;
12. The general welfare, health, and safety of the citizens of the city will be promoted by the enactment of this chapter.

Adopted this _____ day of November 13, 2006.

Bill Stuebe

President
City of Bloomington Plan Commission

**AMENDMENTS DEFEATED BY THE
PLAN COMMISSION**

Plan Commission Amendments - Defeated

Am #	Vote	Synopsis
022	0-11	This amendment would increase residential parking requirements throughout the Commercial Downtown (CD) zoning district. Specifically, this amendment would remove the parking exemption currently provided in Chapter 3 for projects of ten bedrooms or less as well as the 0.5 parking space ratio for bedrooms 11-20. Instead, a consistent requirement of 0.8 parking spaces per bedroom is being proposed.
026	5-6	This amendment would reduce the height thresholds in all overlays in order to respond to comments that a greater number of projects should be subject to Plan Commission review.
030	0-11	This amendment would allow ground floor multifamily units to be a permitted use within both the Courthouse Square and Showers Technology Park Overlay districts.
039	2-9	This amendment would change the way that multiuse trails are dedicated to the City Parks Department after their construction. The current UDO requires trails to be dedicated within a 50 foot right-of-way. This amendment would change that requirement to be 25 feet from the centerline of the multiuse trail.
045	5-6	This amendment would increase both the threshold point for requiring covered bike parking as well as the proportion of bicycle parking spaces which must be covered.
066	1-8	This amendment would delete the proposed allowances for projecting signs in the Commercial Downtown (CD) zoning district. Instead, projecting signs would be limited to being no greater than 12 inches (1 foot) from any building façade. This would keep the projection allowance the same as the current requirement in the Zoning Ordinance.
073	4-5-1 (As Amended)	At the request of the Monroe County Apartment Owners Association, this amendment would change the signage allowances for multifamily housing projects. Specifically, multifamily complexes of at least 15 units would be allowed to have either permanent yard signs or a banner at project entrances. Additionally, these complexes would have the option of substituting a permanent display cabinet on the building in place of the yard signs or banners.
095	2-9	This amendment would permit the use of cul-de-sacs within a Traditional Subdivision.
096	3-8	This amendment would prohibit the use of cul-de-sacs in Conventional and Conservation Subdivisions unless approved by the Plan Commission.
127	4-5	This amendment would require Plan Commission review of all developments in the Commercial Downtown (CD) District. Revisions to certain sections of each downtown overlay district would be required in order to effectuate this amendment. The draft below shows changes only to the Courthouse Square (CSO) Overlay District. If this amendment is approved, staff will make the necessary revisions to the remainder of Chapter 3 (20.03) for Commission review prior to final action on the UDO. The necessary changes that are not shown below would be parallel and without any substantive difference from the changes that are shown below.

128	1-8	This amendment would reduce the width of the three proposed Riparian Buffer zones from 25 feet each to 15 feet each, and would waive Zone 3 if the stream is not within a FEMA regulated floodplain.
129	0-8	This amendment, which has been requested by the Chamber of Commerce, would dictate that developments providing additional parking above the maximum limits of the UDO receive variance consideration by only the Hearing Officer rather than by either the Hearing Officer or Board of Zoning Appeals. The reason for this amendment is to allow businesses that have unique parking needs which exceed the UDO maximums to have an easier path for variance consideration. Because the current Zoning Ordinance is based on parking minimums, there is no real limit to how much parking can be provided. The UDO requires that maximum parking not be in excess of 15% of minimum code requirements.
130	2-6	This amendment would eliminate the proposed requirement that developers construct multiuse trails where they are indicated by the Alternative Transportation & Greenways System Plan. Instead, this amendment would require that the developer provide only an easement for the future trail.
133	NA – No 2 nd	This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that fire sprinklers be provided for multifamily dwelling units located on the second floor and above in the Commercial Downtown (CD) zoning district. The reason for this amendment request is that the sprinkler requirement would exceed the standard of the Indiana Building Code and add cost to downtown development projects.
136	1-8 (As Amended)	This amendment, which was requested by the Chamber of Commerce, would create a 5-day grace period to allow for correction of certain zoning violations. Specifically, the Chamber has proposed that four zoning violations – Temporary Signage Without Permit, Parking On Unimproved Surface, Change In Use Without Certificate of Zoning Compliance (CZC), and Operation of Home Occupation Without CZC – receive a Notice of Violation without fining.
153c (Map)	1-8	This amendment, which was requested by the Old Northeast Neighborhood Association, would alter the proposed zoning for the properties located in the area bounded by 13 th Street to the north, Woodlawn Avenue to the east, 10 th Street to the south, and Indiana Avenue to the west. Maps showing proposed zoning and property ownership have been included as attached.

Amendment #: UDO-022

Date: October 16, 2006

Synopsis:

This amendment would increase residential parking requirements throughout the Commercial Downtown (CD) zoning district. Specifically, this amendment would remove the parking exemption currently provided in Chapter 3 for projects of ten bedrooms or less as well as the 0.5 parking space ratio for bedrooms 11-20. Instead, a consistent requirement of 0.8 parking spaces per bedroom is being proposed.

Proposed Amendment:

Courthouse Square

Page 3-5

20.03.040(c)(2) Residential Parking Standards

- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.~~
- (C) ~~For any bedrooms above twenty (20),~~ Eight-tenths (0.8) parking spaces per bedroom shall be provided.

Downtown Core

Page 3-11

20.03.110(c)(2) Residential Parking Standards

- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.~~
- (C) ~~For any bedrooms above twenty (20),~~ Eight-tenths (0.8) parking spaces per bedroom shall be provided.

University Village

Page 3-17

20.03.180(c)(2) Residential Parking Standards

- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.~~
- (C) ~~For any bedrooms above twenty (20),~~ Eight-tenths (0.8) parking spaces per bedroom shall be provided.

Downtown Gateway

Page 3-27

20.03.320(c)(2) Residential Parking Standards

- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (C) ~~For any bedrooms above twenty (20),~~ Eight-tenths (0.8) parking spaces per bedroom shall be provided.

Showers Technology Park

Page 3-31

20.03.390(c)(2) Residential Parking Standards

- (A) ~~For the first ten (10) bedrooms, no parking shall be required.~~
- (B) ~~For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~
- (C) ~~For any bedrooms above twenty (20),~~ Eight-tenths (0.8) parking spaces per bedroom shall be provided.

Amendment #: UDO-026

Date: October 16, 2006

Synopsis:

This amendment would reduce the height thresholds in all overlays in order to respond to comments that a greater number of projects should be subject to Plan Commission review.

Proposed Amendment:

Courthouse Square

Page 3-5

20.03.040(b) Height Standards:

~~(1) — General:~~

~~(A)(1) Minimum Structure Height: 25 feet~~

~~(B)(2) Maximum Structure Height: 55 40 feet~~

~~(2) — Buildings Facing the Courthouse Square:~~

~~(A) — Minimum Structure Height: 25 feet~~

~~(B) — Maximum Structure Height: 40 feet~~

~~(3) Review Thresholds:~~

~~(A) — General:~~

~~(i)(A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than fifty-five (55) forty (40) feet shall be reviewed by the Planning staff.~~

~~(ii)(B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding fifty-five (55) forty (40) feet shall be reviewed by the Plan Commission.~~

~~(B) — Buildings Facing the Courthouse Square:~~

~~(i) — Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than forty (40) feet shall be reviewed by the Planning staff.~~

~~(ii) — Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding forty (40) feet shall be reviewed by the Plan Commission.~~

Downtown Core

Page 3-11

20.03.110(b) Height Standards:

~~(1) Minimum Structure Height: 35 feet~~

~~(2) Maximum Structure Height: 60 50 feet~~

~~(3) Review Thresholds:~~

~~(A) Planning Staff: Any proposed building with a height of at least thirty-five (35) feet and no greater than sixty (60) fifty (50) feet shall be reviewed by the Planning staff.~~

~~(B) Plan Commission: Any proposed building with a height less than thirty-five (35) feet, or exceeding sixty (60) fifty (50) feet shall be reviewed by the Plan Commission.~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

University Village

Page 3-17

20.03.180(b) Height Standards:

- (1) ~~General:~~
 - (A)(1) Minimum Structure Height: 25 feet
 - (B)(2) Maximum Structure Height: 55 40 feet
- (2) ~~Restaurant Row Corridor:~~
 - (A) ~~Minimum Structure Height: 25 feet~~
 - (B) ~~Maximum Structure Height: 40 feet~~
- (3) Review Thresholds:
 - (A) ~~General:~~
 - (i)(A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than ~~fifty-five (55)~~ forty (40) feet shall be reviewed by the Planning staff.
 - (ii)(B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding ~~fifty-five (55)~~ forty (40) feet shall be reviewed by the Plan Commission.
 - (B) ~~Restaurant Row Corridor:~~
 - (i) ~~Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than forty (40) feet shall be reviewed by the Planning staff.~~
 - (ii) ~~Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding forty (40) feet shall be reviewed by the Plan Commission.~~

Downtown Edges

Page 3-23

20.03.250(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 40 35 feet
- (3) Review Thresholds:
 - (A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than ~~forty (40)~~ thirty-five (35) feet shall be reviewed by the Planning staff.
 - (B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet, or exceeding ~~forty (40)~~ thirty-five (35) feet shall be reviewed by the Plan Commission.

Downtown Gateway

Page 3-27

20.03.320(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 50 40 feet
- (3) Review Thresholds:

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than ~~fifty (50)~~ **forty (40)** feet shall be reviewed by the Planning staff.
- (B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet, or exceeding ~~fifty (50)~~ **forty (40)** feet shall be reviewed by the Plan Commission.

Showers Technology Park

Page 3-31

20.03.390(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* ~~55~~ **45** feet
- (3) *Review Thresholds:*
 - (A) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than ~~fifty-five (55)~~ **forty-five (45)** feet shall be reviewed by the Planning staff.
 - (B) Plan Commission: Any proposed building with a height less than twenty-five (25) feet, or exceeding ~~fifty-five (55)~~ **forty-five (45)** feet shall be reviewed by the Plan Commission.

Amendment #: UDO-030

Date: October 16, 2006

Synopsis:

This amendment would allow ground floor multifamily units to be a permitted use within both the Courthouse Square and Showers Technology Park Overlay districts.

Proposed Amendment:

Courthouse Square

Page 3-4

20.03.020 Permitted Uses

- ~~dwelling, upper floor units*~~

20.03.020 Excluded Uses

- ~~dwelling, multifamily~~

Showers Technology Park

Page 3-30

20.03.370 Permitted Uses

- ~~dwelling, upper floor units*~~

20.03.370 Excluded Uses

- ~~dwelling, multifamily~~

Amendment #: UDO-039

Date: October 16, 2006

Synopsis:

This amendment would change the way that multiuse trails are dedicated to the City Parks Department after their construction. The current UDO requires trails to be dedicated within a 50 foot right-of-way. This amendment would change that requirement to be 25 feet from the centerline of the multiuse trail.

Proposed Amendment:

Page 5-8

20.05.010(b)(6)

- (C) Dedication: All multiuse trails shall be dedicated to the City Parks Department. The dedication shall include a right-of-way of twenty-five (25) feet from the centerline of the multiuse trail on each side of the multiuse trail. ~~within rights-of-way of fifty (50) feet in width.~~ Right-of-way width for multiuse trails may be reduced by the Planning Director upon approval by the City Parks Administrator.

Amendment #: UDO-045

Date: October 16, 2006

Synopsis:

This amendment would increase both the threshold point for requiring covered bike parking as well as the proportion of bicycle parking spaces which must be covered.

Proposed Amendment:

Page 5-10

20.05.013(c) Covered Spaces

- (1) Developments with more than ~~32~~ **16** bedrooms total shall provide a minimum of ~~one-half~~ **(1/2) three-fourths (3/4)** of the total number of required bicycle parking spaces as covered, short-term Class II bicycle parking facilities.

Amendment #: UDO-066

Date: October 16, 2006

Synopsis:

This amendment would delete the proposed allowances for projecting signs in the Commercial Downtown (CD) zoning district. Instead, projecting signs would be limited to being no greater than 12 inches (1 foot) from any building façade. This would keep the projection allowance the same as the current requirement in the Zoning Ordinance.

Proposed Amendment:

Page 5-79

20.05.078(h) Prohibited Sign Types:

- (9) *Projecting Signs:* Any sign that projects outward from the façade of a building in excess of twelve (12) inches, ~~except as provided in Section 20.05.083: Commercial Limited and Section 20.05.084 Commercial Downtown.~~

Page 5-84

20.05.084(a)

- (4) *Projecting Signs:* The following standards apply to projecting signs:
- (A) ~~Maximum Projection:~~ No part of a projecting sign shall protrude more than forty-eight (48) inches from the wall or face of the building to which it is attached.
 - (B) ~~Location:~~ Projecting signs shall be located adjacent to the tenant's lease space. Projecting signs shall not extend into a public right of way unless approved by the Board of Public Works.
 - (C) ~~Separation:~~ A minimum separation of fifty (50) feet shall be provided between all projecting signs on the same building façade.
 - (D) ~~Number:~~ A maximum of one (1) projecting sign is permitted per tenant street frontage.
 - (E) ~~Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.~~

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

Amendment #: UDO-073**Date:** October 16, 2006**Synopsis:**

At the request of the Monroe County Apartment Owners Association, this amendment would change the signage allowances for multifamily housing projects. Specifically, multifamily complexes of at least 15 units would be allowed to have either permanent yard signs or a banner at project entrances. Additionally, these complexes would have the option of substituting a permanent display cabinet on the building in place of the yard signs or banners.

For apartment projects containing between 4 and 14 units, each project would be allowed to have the following:

Either one permanent display cabinet or one wall sign plus either one yard sign or one banner.

Proposed Amendment:*Page 5-80 and 5-81**20.05.079*

- (a) Nonresidential Uses and Multifamily Complexes: Conforming nonresidential uses ~~and multifamily complexes with at least fifteen (15) dwelling units~~ are permitted to display temporary signage as follows:
- (4) *Number*:
 - ~~(B) Multifamily complexes with at least fifteen (15) units shall be permitted a maximum of one (1) temporary sign.~~
 - ~~(C)~~(B) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.
 - (6) *Grand Opening Events*:
 - (A) New businesses, ~~including multifamily complexes of fifteen (15) units or greater,~~ shall be permitted a single grand opening event sign display during which the number, type, and size of temporary signs shall not be limited.
- (b) Multifamily Complexes over Fifteen (15) units: These complexes are permitted to display no more than one of the following types of signs:
- (1) *Yard Signs*: Two (2) yard signs are allowed per project entrance. No more than four (4) yard signs are allowed per complex, with each sign limited to no greater than six (6) square feet per side.
 - (2) *Banner Signs*: One (1) banner sign is allowed per project entrance. No more than two (2) banner signs are allowed per complex, with each sign limited to no greater than twelve (12) square feet in area.
 - (3) *Permanent Display Cabinet*: As an alternative to the temporary signs described in (1) and (2) above, one permanent display cabinet no greater than sixteen (16) square feet may be affixed to a building.
- (c) Multifamily Complexes between four (4) and fourteen (14) units: These complexes are permitted to display no more than one of the following types of signs:

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

- (1) *Yard Sign*: One (1) yard sign limited to six (6) square feet
- (2) *Banner Sign*: One (1) banner sign limited to twelve (12) square feet in area.
- (3) *Permanent Display Cabinet*: As an alternative to the temporary signs described in (1) and (2) above, one permanent display cabinet no greater than sixteen (16) square feet may be affixed to a building.

Page 5-82

20.05.081

[RM] [RH] [CL] [CG] [CA] [CD] [BP] [IN] [MD]

(a) *Permanent Display Cabinets*:

- (1) *Zoning Districts*: Permanent display cabinets shall not be permitted in any residential zoning district, with the exception of those utilized for multifamily complexes in compliance with 20.05.079(b) and 20.05.079(c).

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

Amendment #: UDO-095

Date: November 2, 2006

Synopsis:

This amendment would permit the use of cul-de-sacs within a Traditional Subdivision.

Proposed Amendment:

Page 6-9

20.06.060 Traditional Subdivision; Standards and Effect on Development Standards

~~Cul-de-sac Length:~~

- ~~Cul-de-sacs are not permitted~~

Cul-de-sacs:

- Cul-de-sacs may be permitted within Traditional Subdivisions only in situations where physical or environmental features make it infeasible to provide street connectivity.

Amendment #: UDO-096

Date: November 2, 2006

Synopsis:

This amendment would prohibit the use of cul-de-sacs in Conventional and Conservation Subdivisions unless approved by the Plan Commission.

Proposed Amendment:

Page 6-5

20.06.020 Conventional Subdivision; Standards and Effect on Development Standards

~~Minimum Cul-de-sac Length:~~

- 200 feet

~~Maximum Cul-de-sac Length:~~

- 600 feet

~~Maximum Lots per Cul-de-sac:~~

- 20 lots

~~Cul-de-sac Length:~~

- Cul-de-sacs are not permitted.

Page 6-7

20.06.040 Conservation Subdivision; Standards and Effect on Development Standards

~~Minimum Cul-de-sac Length:~~

- 200 feet

~~Maximum Cul-de-sac Length:~~

- 1,000 feet

~~Maximum Lots per Cul-de-sac:~~

- 20 lots

~~Cul-de-sac Length:~~

- Cul-de-sacs are not permitted unless approved by the Plan Commission

Amendment #: UDO-127

Date: October 26, 2006

Synopsis:

This amendment would require Plan Commission review of all developments in the Commercial Downtown (CD) District. Revisions to certain sections of each downtown overlay district would be required in order to effectuate this amendment. The draft below shows changes only to the Courthouse Square (CSO) Overlay District. If this amendment is approved, staff will make the necessary revisions to the remainder of Chapter 3 (20.03) for Commission review prior to final action on the UDO. The necessary changes that are not shown below would be parallel and without any substantive difference from the changes that are shown below.

Proposed Amendment:

Page 3-4, 3-8

20.03.030, 20.03.060, 20.03.070.

20.03.010 District Intent

The Courthouse Square Overlay (CSO) District is intended to guide both new development and redevelopment activities as follows:

- Ensure that new development is compatible in mass and scale with historic structures in the Courthouse Square Character Area.
- Provide a diverse mix of traditional commercial retail uses at the street level to capitalize, maintain, and enhance the pedestrian activity generated by the CSO District.
- Visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings that are two to four stories in height.
- Preserve historic structures to maintain the integrity and heritage of the downtown.

20.03.020 Effect on Uses

Permitted Uses:

- * Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.
- Unless excluded below, all uses listed as permitted uses within the Commercial Downtown (CD) zoning district shall be permitted uses within the CSO District.
- dwelling, upper floor units*

Conditional Uses:

- Unless excluded below, all uses listed as Conditional Uses within the Commercial Downtown (CD) zoning district shall be Conditional Uses within the CSO District.

Excluded Uses:

- assisted living facility
- convenience store (with gas)
- dwelling, multifamily
- medical care clinic, immediate

20.03.030 Effect on Standards

Development and Architectural Standards:

- All developments that meet the standards in *Section 20.03.040: Development Standards* and in *Section 20.03.050: Architectural Standards* will be approved by the Plan Commission unless

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the Commission finds that the proposed development does not satisfy all standards of **Section 20.10.120: Site Plan Review**. ~~will be reviewed by the planning staff, except as indicated in Subsection 20.03.040(b): Height Standards.~~ Any development that does not meet the standards in **Section 20.03.040: Development Standards** and in **Section 20.03.050: Architectural Standards** ~~these standards will be reviewed by the Plan Commission as described in this Section and in Section 20.03.060: Plan Commission Review.~~

Architectural Standards:

- ~~All developments that meet the standards in Section 20.03.050: Architectural Standards will be reviewed by the planning staff. Any development that does not meet these standards will be reviewed by the Plan Commission as described in Section 20.03.060: Plan Commission Review.~~
- These architectural standards in **Section 20.03.050** shall apply to new building construction and building additions. Where an addition is made to an existing building, the architectural standards shall apply only to the new construction. Interior remodeling of existing structures shall not cause the exterior of the building to be subject to the architectural standards.

Design Guidelines:

- The Plan Commission shall consider the Design Guidelines detailed in **Section 20.03.070: Design Guidelines** in its review of any development project in the CSO district that does not meet the specific standards of **Section 20.03.040: Development Standards** and **Section 20.03.050: Architectural Standards**. The Plan Commission may approve such developments if the Commission finds that the development is consistent with the design guidelines in **Section 20.03.070: Design Guidelines** and meets all other standards of **Section 20.10.120: Site Plan Review**.

~~The Plan Commission may approve projects that do not meet the specific standards of Section 20.03.040: Development Standards and Section 20.03.050: Architectural Standards, but are consistent with the design guidelines in Section 20.03.070: Design Guidelines.~~

- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.

20.03.040 Development Standards

(a) Density & Intensity Standards:

- (1) Maximum Residential Density: 60 units/acre.
- (2) Maximum Impervious Surface Coverage: 100%.

(b) Height Standards:

(1) General:

- (A) Minimum Structure Height: 25 feet.
- (B) Maximum Structure Height: 55 feet.

(2) Buildings Facing the Courthouse Square:

- (A) Minimum Structure Height: 25 feet.
- (B) Maximum Structure Height: 40 feet.

(3) Review Thresholds:

(A) General:

- (i) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet and no greater than fifty-five (55) feet shall be reviewed by the planning staff.

Highlighted text denotes text to be added

Strikethrough text denotes text to be deleted

(ii) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding fifty-five (55) feet shall be reviewed by the Plan Commission.

(B) Buildings Facing the Courthouse Square:

(i) Planning Staff: Any proposed building with a height of at least twenty-five (25) feet, and no greater than forty (40) feet shall be reviewed by the planning staff.

(ii) Plan Commission: Any proposed building with a height less than twenty-five (25) feet or exceeding forty (40) feet shall require Plan Commission approval.

(c) Parking Standards:

(1) Minimum Surface Parking Setback:

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 0 feet.

(C) Rear Yard: 0 feet.

(2) Residential Parking Standards:

(A) For the first ten (10) bedrooms, no parking shall be required.

(B) For bedrooms eleven (11) through twenty (20), five-tenths (0.5) parking spaces per bedroom shall be provided.

(C) For any bedrooms above twenty (20), eight-tenths (0.8) parking spaces per bedroom shall be provided.

(3) Nonresidential Parking Standards: No parking spaces required.

(d) Building Setback Standards:

(1) Build-to Line: 0 feet, except for façade modulations as required by Subdivision 20.03.050(c)(1)(B).

(2) Maximum Front Setback: n/a.

(3) Minimum Side Setback: 0 feet; additional setback may be required per local building code.

(4) Minimum Rear Setback: 0 feet; additional setback may be required per local building code.

20.03.050 Architectural Standards

(a) Site Plan:

(1) Building Frontage: A minimum of ninety percent (90%) of the building façade facing the street shall be constructed at the build-to line.

(2) Building Alignment: New buildings located immediately adjacent to the side of an Outstanding, Notable, and/or Contributing structure as identified in the Indiana Historic Sites & Structures Inventory: City of Bloomington Interim Report 2002 shall align their respective façades to match the front setback established by the surveyed structure rather than the required build-to line.

Courthouse Square Overlay (CSO) District

(3) Building Orientation and Entrances:

(A) For all buildings, any façade facing a public street shall be considered a primary façade.

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street.

(C) At least one (1) pedestrian entrance to a building shall be constructed at an elevation that is within three (3) feet of the adjacent sidewalk elevation.

(D) B-Line Trail:

(i) A well-defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail.

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge.

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(4) Street Trees: Street Trees shall be planted as required in Chapter 20.05; §LA: Landscaping Standards in a minimum five (5) foot by five (5) foot tree pit covered by a cast iron grate as approved by the City Urban Forester.

(5) Lighting:

(A) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works and shall follow the following standards:

(i) Height: Pedestrian-scale street lights shall be less than fifteen (15) feet high.

(ii) Design: Traditional design styles such as gas lamp, acorn, or similar decorative style of street light shall be used.

(B) All exterior building lighting shall comply with Chapter 20.05; §LG: Lighting Standards.

(6) Mechanical Equipment and Service Areas: Utility service boxes, telecommunication devices, cables, conduits, vents, turbines, flues, chillers and fans, trash receptacles, dumpsters, service bays, and recycling storage areas shall be screened from public view using the following measures:

(A) Mechanical equipment and service areas shall be located at the rear of the building, along an alley façade or on the building rooftop;

(B) Mechanical equipment and service areas shall be screened using architectural screen walls, screening devices, and/or landscaping; and

(C) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view from the adjacent streets.

(b) Architectural Character:

(1) Roofs or Building Caps: Building caps may use different materials, detailed limestone carvings, and/or a cornice integrated with the roof form and downspouts/gutters for storm water diversion to further define the building cap.

(A) Design: Buildings shall incorporate flat roofs with parapets.

(B) Height: In no case shall a parapet height exceed fifteen percent (15%) of the supporting wall height.

(2) Void-to-Solid Percentage:

(A) First Floor (Building Base): Transparent glass or framed façade open areas consisting of display windows, entries, and doors shall comprise a minimum of eighty-five percent (85%) of the total wall/façade area of the first floor façade/elevation facing a street.

(B) Upper Stories (Building Middle): Transparent glass or façade openings shall comprise a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street but shall not exceed a maximum of seventy percent (70%) of the wall/façade area of each floor above the first floor façade facing a street.

(3) Windows:

(A) All windows shall be transparent and shall not make use of dark tinting or reflective glass

(B) First Floor Windows:

(i) Large display windows shall be used along all first floor façades facing a street.

(ii) Display windows shall incorporate transom windows and window bases/kickplates.

(iii) A frieze or sign band shall be incorporated above first floor display windows.

(C) Upper Story Windows:

(i) Window frame heights shall be a minimum of one and one-half (1.5) times the window frame width.

(ii) Window frames shall incorporate window sills and lintels and/or window heads comprised of

materials that are visually distinct from the primary exterior finish materials used on the respective façade.

(iii) Windows forms/types shall be visually different than the display window forms/types used on the first floor and shall have the visual appearance of double hung windows that are punched into the wall surface.

(4) Materials:

(A) All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.

(B) The following materials shall not be used as primary or secondary exterior finish materials:

(i) Wood;

(ii) Exterior Insulation Finish System (EIFS);

(iii) Smooth-faced block or split-faced block;

(iv) Vinyl;

(v) Metal;

(vi) Cementitious siding; and

(vii) Precast concrete.

(5) Vertical and Horizontal Design:

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle, and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

(B) Horizontal elements shall visually align with similar horizontal design elements of adjacent historic structures.

(C) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building façade focal points.

(6) Entrance Detailing: The primary pedestrian entrance for a building shall be designed as follows:

(A) Entrance shall be recessed a minimum of four (4) feet from the building façade.

(B) Entrance shall incorporate a prominent building address, building name, and exterior lighting.

(C) The entrance shall also incorporate one (1) or more of the following features:

(i) Canopy or awning;

(ii) Pilasters or façade modules;

(iii) Public art display;

(iv) Raised corniced entryway parapet.

(c) Mass, Scale and Form:

(1) Building Façade Modulation: Façade modulation shall be incorporated through banding and/or articulation of exterior materials and change of materials by incorporating repeating patterns, textures, and/or colors used on exterior façade materials.

(A) Building facades with street frontage shall utilize a maximum façade width interval of fifty (50) feet for a façade module.

(B) The building façade module offset depth (projecting or recessing) shall be a minimum of three percent (3%) of the total façade length and shall extend the length of its module.

(2) Building Height Step Down: Buildings located immediately adjacent to the side of Outstanding, Notable, and Contributing structures as identified in the Indiana Historic Sites & Structures Inventory: 2002 City of Bloomington Interim Report shall incrementally step down

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upper stories at each respective façade module to within one (1) story or fourteen (14) feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

20.03.060 Plan Commission Review

The Plan Commission shall consider the Design Guidelines detailed in *Section 20.03.070: Design Guidelines* in its review of any development project in the CSO district that does not meet the specific standards of *Section 20.03.040: Development Standards* and *Section 20.03.050: Architectural Standards*. The Plan Commission may approve such developments if the Commission finds that the development is consistent with the design guidelines in *Section 20.03.070: Design Guidelines* and meets all other standards of *Section 20.10.120: Site Plan Review*.

~~Any development that does not comply with Section 20.03.020: Effect on Uses, Section 20.03.040: Development Standards, Section 20.03.050: Architectural Standards or meets one of the thresholds listed below, shall be reviewed by the Plan Commission. In such cases, the proposed development shall comply with, and shall be reviewed in accordance with, Section 20.03.070: Design Guidelines.~~

- ~~(a) Residential Dwelling, Upper Floor Units: Above 10 units.~~
- ~~(b) Residential Dwelling, Multifamily: Ground floor units.~~
- ~~(c) Retail, High Intensity: Greater than 15,000 square feet gross floor area.~~
- ~~(d) Parking Garage/Structure: As a primary use.~~

20.03.070 Design Guidelines

~~To further supplement the determination of compliance with the Design Guidelines,~~
In its review of any development that does not meet the specific standards of *Section 20.03.040: Development Standards* and *Section 20.03.050: Architectural Standards*, the Plan Commission shall use the Downtown Vision & Infill Strategy Plan as the primary source of guidance for Site Plan approval requests. ~~consider the following Sections of the Downtown Vision & Infill Strategy Plan that are expressly applicable to the CSO District, are as follows; however, and may consider such other material contained in the Downtown Vision & Infill Strategy Plan as the Commission considers relevant to its review: may be used for the determination of design guideline compliance:~~

- (a) Site Plan: Guidelines 3.1 and 3.2.
- (b) Architectural Character: Guidelines 3.3 and 3.4.
- (c) Mass, Scale, and Form: Guidelines 3.5, 3.6, 3.7, 3.8, and 3.9.
- (d) Exterior Building Materials: Guidelines 3.10, 3.11, and 3.12.
- (e) Upper Story Windows: Guidelines 3.13 and 3.14.
- (f) Entries: Guidelines 3.15 and 3.16.
- (g) Pedestrian Interest: Guidelines 3.17, 3.18, and 3.19.
- (h) Mechanical Equipment and Service Utilities: Guidelines 3.20, 3.21, 3.22, and 3.23.
- (i) Parking Structures: Guidelines 3.24 and 3.25.
- (j) Lighting: Guidelines 3.26, 3.27, and 3.28.

Amendment #: UDO-128

Date: October 25, 2006

Synopsis:

This amendment would reduce the width of the three proposed Riparian Buffer zones from 25 feet each to 15 feet each, and would waive Zone 3 if the stream is not within a FEMA regulated floodplain.

Proposed Amendment:

Page 5-29

20.05.041(a)(5)

- (B) Buffer Width: The width of this zone shall be a minimum of ~~twenty-five (25)~~ fifteen (15) feet on each side of the top of stream bank. The buffer width shall be measured perpendicular to the adjoining top of stream bank, following the natural curvature of the stream channel.

Page 5-29

20.05.041(a)(6)

- (B) Buffer Width: The required width shall be a minimum ~~twenty-five (25)~~ fifteen (15) feet on each side of Zone 1.

Page 5-29

20.05.041(a)(7)

- (B) Buffer Width: The required width shall be a minimum of ~~twenty-five (25)~~ fifteen (15) feet measured perpendicular from the outer boundary of Zone 2 for all perennial and intermittent streams within a FEMA floodplain and zero (0) feet for all perennial and intermittent streams not in a FEMA floodplain.

Amendment #: UDO-129

Date: October 25, 2006

Synopsis:

This amendment, which has been requested by the Chamber of Commerce, would dictate that developments providing additional parking above the maximum limits of the UDO receive variance consideration by only the Hearing Officer rather than by either the Hearing Officer or Board of Zoning Appeals. The reason for this amendment is to allow businesses that have unique parking needs which exceed the UDO maximums to have an easier path for variance consideration. Because the current Zoning Ordinance is based on parking minimums, there is no real limit to how much parking can be provided. The UDO requires that maximum parking not be in excess of 15% of minimum code requirements.

Proposed Amendment:

Page 5-63

20.05.069(a)(2)

- (D) Nonresidential uses proposing parking in excess of the maximums specified in Subdivisions (A) or (B) above shall be required to obtain zoning variances. However, such variances shall be filed with the Hearing Officer rather than the Board of Zoning Appeals.

Amendment #: UDO-130

Date: October 25, 2006

Synopsis:

This amendment would eliminate the proposed requirement that developers construct multiuse trails where they are indicated by the Alternative Transportation & Greenways System Plan. Instead, this amendment would require that the developer provide only an easement for the future trail.

Proposed Amendment:

Page 5-8

20.05.010(b)(6)

- (6) Multiuse Trails: Where multiuse trails are identified on the Alternative Transportation & Greenways System Plan, ~~such facilities shall be provided as follows:~~ **an easement**
- (A) ~~Minimum Width: Pavement width shall be a minimum of twelve (12) feet, and the paved trail shall have two (2) foot wide crushed stone shoulders on both sides.~~
 - (B) ~~Surface: Multiuse trails shall be paved with asphalt. Alternative surface materials, such as ADA compliant permeable pavers, may be authorized by the Planning Director in order to mitigate environmental impacts.~~
 - (C) ~~Dedication: All multiuse trails shall be dedicated to the City Parks Department within rights-of-way~~ **of fifty (50) feet in width shall be provided to facilitate future construction of the trail. Right-of-way Easement** width for multiuse trails may be reduced by the Planning Director upon approval by the City Parks Administrator.

Amendment #: UDO-133

Date: October 25, 2006

Synopsis:

This amendment, which was requested by the Chamber of Commerce, would eliminate the requirement that fire sprinklers be provided for multifamily dwelling units located on the second floor and above in the Commercial Downtown (CD) zoning district. The reason for this amendment request is that the sprinkler requirement would exceed the standard of the Indiana Building Code and add cost to downtown development projects.

Proposed Amendment:

Page 5-88

20.05.093

~~This Special Conditions Standards section applies to the following zoning districts:~~

~~[CD]~~

- ~~(a) **Dwelling, Multifamily:** All dwelling units located on the second story or above shall be required to have fire sprinkler systems that meet the design specifications of the Building Code.~~

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20.05.096

~~This Special Conditions Standards section applies to the following zoning districts:~~

~~[CD]~~

- ~~(a) **Dwelling, Upper Floor Units:** All dwelling units located on the second story or above shall be required to have fire sprinkler systems that meet the design specifications of the Building Code.~~

Commercial Downtown (CD) District

Page 2-20

20.02.380 Permitted Uses

- dwelling, multifamily* (eliminate asterisk note for this use)

Courthouse Square

Page 3-4

20.03.020 Effect on Uses

- dwelling, upper floor units* (eliminate asterisk note for this use)

Showers Technology Park

Page 3-30

20.03.370 Effect on Uses

- dwelling, upper floor units* (eliminate asterisk note for this use)

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Strikethrough text denotes text to be deleted

Amendment #: UDO-136

Date: October 25, 2006

Synopsis:

This amendment, which was requested by the Chamber of Commerce, would create a 5-day grace period to allow for correction of certain zoning violations. Specifically, the Chamber has proposed that four zoning violations – Temporary Signage Without Permit, Parking On Unimproved Surface, Change In Use Without Certificate of Zoning Compliance (CZC), and Operation of Home Occupation Without CZC – receive a Notice of Violation without fining.

Proposed Amendment:

Page 11-3

20.11.040

- (b) The following violations of *Title 20: Unified Development Ordinance* shall be subject to the fines listed in the table below. However, the following violations - Temporary Signage Without Permit, Parking On Unimproved Surface, Change In Use Without Certificate of Zoning Compliance (CZC), and Operation of Home Occupation Without CZC – shall not be subject to immediate fining. For such violations, a Notice of Violation warning shall be issued specifying a five (5) day period of corrective action. Issuance of this warning shall follow the procedures outlined in Section 20.11.050.

Page 11-4

20.11.050

- (c) Each item of noncompliance enumerated on the Notice of Violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall from the date the zoning violation commenced, except as provided in Subsection 20.11.040(b).

Amendment #: UDO-153c

Date: October 25, 2006

Synopsis:

This amendment, which was requested by the Old Northeast Neighborhood Association, would alter the proposed zoning for the properties located in the area bounded by 13th Street to the north, Woodlawn Avenue to the east, 10th Street to the south, and Indiana Avenue to the west. Maps showing proposed zoning and property ownership have been included as attached.

Proposed Amendment:

The proposed amendment would change the zoning designation for the properties at the location described above to Institutional (IN) wherever the property is owned by Indiana University, and would change the zoning designation to Residential Core (RC) for any property privately owned.

**Integrated UDO – A Document that includes the
Plan Commission Amendments**

Forthcoming